

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO  
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 vs. NO: CR-15-4268 JB  
6 ANGEL DELEON, et al.,  
7 Defendants.

8  
9 Transcript of excerpt of testimony of  
10 MICHAEL JARAMILLO  
11 May 14, 2018  
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1 THE COURT: All right. Mr. Beck, does the  
2 Government have its next witness or evidence?

3 MR. BECK: Yes, Your Honor. The United  
4 States calls Mike Jaramillo.

5 THE COURT: Mr. Jaramillo, if you'll come  
6 up and stand next to the witness box on my right,  
7 your left, before you're seated my courtroom deputy,  
8 Ms. Bevel, will swear you in.

9 MICHAEL JARAMILLO,  
10 after having been first duly sworn under oath,  
11 was questioned, and testified as follows:

12 THE CLERK: Please state your name and  
13 spell your last name for the record.

14 THE WITNESS: Michael Jaramillo.  
15 J-A-R-A-M-I-L-L-O.

16 THE COURT: Mr. Jaramillo. Mr. Beck.

17 DIRECT EXAMINATION

18 BY MR. BECK:

19 Q. Good morning, Mr. Jaramillo.

20 A. Good morning.

21 Q. Were you a member of the Sindicato de  
22 Nuevo Mexico Prison Gang?

23 A. Yes.

24 Q. When did you join the SNM?

25 A. During my time in prison at Los Lunas

1 Correctional Facility. I believe it was around the  
2 year 2000.

3 Q. Who brought you into the SNM?

4 A. Leroy Lucero.

5 Q. Does he go by any other name?

6 A. Smurf.

7 Q. Before you joined the SNM, were you a  
8 member of a street gang?

9 A. Yes.

10 Q. What gang?

11 A. 18th Street.

12 Q. And where is that?

13 A. In Albuquerque, New Mexico.

14 Q. In that gang and in the SNM, did you go by  
15 any other name?

16 A. I went by the name Criminal.

17 Q. When Mr. Lucero brought you into the SNM  
18 Gang, did he tell you about the rules of the gang?

19 A. Yes.

20 Q. What are the rules of the SNM Gang that  
21 you know of?

22 A. That there is no way out of the gang until  
23 you die. If you're given orders, you have to follow  
24 through with them or you will be killed yourself.  
25 That you can't work with the Government in any kind

1 of way.

2 Q. What's the penalty for that?

3 A. Death.

4 Q. What about loyalty to the SNM or where the  
5 SNM ranks in the hierarchy in your life?

6 A. Can you repeat the question?

7 Q. Sure. Loyalty to the SNM or where the SNM  
8 ranks in the hierarchy of priorities in your life.

9 A. In my life, at the very bottom of the list  
10 at this point.

11 Q. Not currently. As an SNM member.

12 A. It has to rank first priority.

13 Q. What about, have you ever heard the term  
14 "earning your bones" or huesos?

15 A. I have. The term "earning your bones"  
16 refers to assaulting people or any kind of criminal  
17 activity done for the SNM.

18 Q. Why did you join the SNM?

19 A. For protection.

20 Q. What happened that made you think that you  
21 should join the SNM for protection?

22 A. I just had been assaulted a couple of  
23 other times inside prison. I had another gang  
24 called LC believe that I was in the SNM and  
25 assaulted me in a prison in Santa Rosa, where I

1 ended up taking protective custody. And then the  
2 Department of Corrections put me back out into  
3 population. So I felt like it was my best move was  
4 to join that gang so I could be protected.

5 Q. You talked about LC. Is that gang also  
6 known as Los Carnales?

7 A. Yeah.

8 Q. Do you know if they're a rival to any  
9 other prison gangs?

10 A. They're a direct rival to the SNM.

11 Q. And the incident -- let me ask, first,  
12 what is protective custody?

13 A. Where you feel like you're in danger in  
14 the prison, and you ask to get protective custody.  
15 And they can put you in lockdown, where you're not  
16 around other inmates and stuff like that,  
17 segregation.

18 Q. And when you asked to be put into  
19 protective custody in Santa Rosa, was it before or  
20 after joining the SNM in 2000?

21 A. It was before.

22 Q. Do you have any SNM tattoos?

23 A. I do not.

24 Q. I want to talk to you about -- well, let  
25 me do this. I want to talk to you about the year

1 2000, 2001. At some point did you go to the  
2 Southern New Mexico Correctional Facility?

3 A. Yes, I did.

4 Q. And when approximately was that?

5 A. I believe around between 2000 and 2001. I  
6 don't remember the exact date.

7 Q. At the Southern New Mexico Correctional  
8 Facility, when you were transferred there, were you  
9 already a member of the SNM?

10 A. Yes, I was.

11 Q. I'm going to show you -- well, let me ask  
12 this question. Were you at the Southern New Mexico  
13 Correctional Facility on March 26 of 2001?

14 A. Yes, I was.

15 MR. BECK: Your Honor, the United States  
16 moves to admit Exhibit 944.

17 THE COURT: Any objection from any  
18 defendant?

19 Not seeing or hearing any, Government's  
20 Exhibit 944 will be admitted into evidence.

21 (Government Exhibit 944 admitted.)

22 BY MR. BECK:

23 Q. Mr. Jaramillo, I'm going to show you  
24 Government's Exhibit 944. What's in that  
25 photograph?

1 A. That's a picture of myself.

2 Q. And I'm going to show you Government's  
3 Exhibit 941 -- or excuse me, not 941. Sorry. 591.  
4 Do you recognize some of the people in this  
5 photograph?

6 A. Yes.

7 Q. And does this photograph appear consistent  
8 with the date that it says there on the right, that  
9 it was taken on or around March 16 of 2001?

10 A. Yes.

11 Q. And on the screen in front of you, you can  
12 touch it. Go ahead and touch it where you are on  
13 that photograph.

14 A. (Witness complies.)

15 Q. You circled two people. Are you on the  
16 top far left in that photograph?

17 A. Yes.

18 Q. Let me circle some people and see if you  
19 recognize them. Who is in the center there?

20 A. Angel DeLeon.

21 Q. And who is just to his -- well, on the  
22 right of that is where we're looking at it, in the  
23 glasses?

24 A. Joe Gallegos.

25 Q. And how about to the left of Angel DeLeon?



1 A. Pancho, Frank Castillo.

2 Q. Down here on the bottom, do you know who  
3 that person is?

4 A. I know him by Critter.

5 Q. And I've circled the second from the right  
6 on the bottom, and you said you know him by Critter?

7 A. Yes.

8 Q. How about the person on his right as we're  
9 looking at it?

10 A. I know him as Looney.

11 Q. Looney? And do you know the person on the  
12 bottom left next to him?

13 A. That is Huero.

14 Q. Let me ask you, for all those people, did  
15 you know them at the time to be SNM members?

16 A. Yes.

17 Q. At the Southern New Mexico Correctional  
18 Facility in March of 2001, did you generally hang  
19 out with other SNM members or anyone in particular?  
20 Whom did you hang around with in March 2001?

21 A. Mostly by myself. I had one friend that I  
22 hung out with a lot named Lorenzo Valdez.

23 Q. Was he pictured in Government's 591 that  
24 you just saw?

25 A. No.

1 Q. At what point did you leave or were you  
2 forced to leave the SNM?

3 A. Well, just before, about a year before I  
4 got out of the prison, I got attacked by an SNM  
5 member at Southern New Mexico Correctional Facility,  
6 and that was basically when I considered my end with  
7 the S.

8 Q. And approximately what year was that?

9 A. 2003 or '04, I think. Or around -- it was  
10 2006, maybe, I think. It was just before I got out  
11 of the prison. I don't remember exactly when that  
12 was, though.

13 Q. All right. That's fine. So approximately  
14 right after you got out of prison for the last time?

15 A. Not days before, but probably a year  
16 before.

17 Q. And after that time, did you go out in the  
18 population or on the line?

19 A. No.

20 Q. Why not?

21 A. I feared for my life.

22 Q. Let me ask you, did you know any rules in  
23 the SNM about what happens if an SNM member  
24 voluntarily goes into protective custody?

25 A. That member would be marked for death.

1 Q. And did you go into protective custody  
2 even before you joined the SNM?

3 A. Yes.

4 Q. In March of 2001, did you know an inmate  
5 by the name of Leonard Lujan?

6 A. Yes.

7 Q. How did you know Leonard Lujan?

8 A. I had just met him there in prison as  
9 being a member of the SNM.

10 Q. At some point did you have a conversation  
11 with Leonard Lujan about the person you identified  
12 as Pancho?

13 A. I had a conversation with Leonard Lujan  
14 where he called me and told me that I was going to  
15 be brought to do work. He didn't specifically lay  
16 out that it was going to be Pancho, but he told me  
17 to talk to Joe, and that Joe was going to give me  
18 the details of the hit.

19 Q. I want to take you through a couple of the  
20 things you said there. I'm going to show you what's  
21 been admitted as Government's Exhibit 860. Do you  
22 recognize this as an aerial depiction of the  
23 Southern New Mexico Correctional Facility?

24 A. Yes.

25 Q. And which housing unit were you living in

1 when you had this conversation with Leonard Lujan  
2 about Pancho?

3 A. I believe by looking at this picture, it  
4 would have been the P unit. P 15-A it's pointing  
5 at, but I think it was the one to the -- directly  
6 below it was that housing unit, I believe.

7 Q. Okay. And I lost some of that because it  
8 wasn't in the microphone. Which unit did you say?

9 A. I believe the one P-1, Paul 1. 5-A. And  
10 it was like in this.

11 Q. So you were in Paul 1. I'm going to show  
12 you Government's Exhibit 123. Is that the entryway  
13 to the Paul 1 housing unit where you lived at that  
14 period of time?

15 A. It appears to be.

16 Q. Was Frank Castillo also housed in the Paul  
17 1 unit with you at the time?

18 A. Yes, sir.

19 Q. So taking you back to the conversation  
20 with Leonard Lujan, what did he tell you about  
21 putting in work?

22 A. He told me that Wild Bill had come to the  
23 prison and that I had been chosen to put in work;  
24 that when I got back to my housing unit, to get with  
25 Joe Gallegos and he'd give me the details.

1 Q. Did you know Wild Bill?

2 A. Only by reputation.

3 Q. What did you do after this conversation  
4 with Leonard Lujan?

5 A. I went back to my housing unit.

6 Q. And what did you do when you got back to  
7 the housing unit?

8 A. I found Joe Gallegos and went up to his  
9 cell and had a conversation with him.

10 Q. Was there anyone else with you and Joe  
11 Gallegos when you went and had that conversation in  
12 the cell?

13 A. Yes. Angel DeLeon was with me. He was  
14 also with me when we had a conversation with  
15 Leonard.

16 Q. I want to take you -- I want to show you  
17 Government's Exhibit 124. Do you recognize what's  
18 depicted in Government's Exhibit 124?

19 A. Yeah, the housing unit that I was housed  
20 in.

21 Q. Is that the housing unit you were housed  
22 in in March of 2001?

23 A. Yes, sir.

24 Q. Where was your cell?

25 A. Directly next door to the one with the

1 evidence tape on the top.

2 Q. When you say next door, to the left or the  
3 right?

4 A. It would be to my right.

5 Q. If I circle the dark door to the right, on  
6 the top right of P-24, is that your cell?

7 A. Yes.

8 Q. Who was housed in 2204 where the tape is?

9 A. Frank Castillo.

10 Q. And where was Joe Gallegos housed when you  
11 had the conversation with him and Angel DeLeon?

12 A. The room right next door to me.

13 Q. So let me show you Government's Exhibit  
14 125. Here at the top of the stairs in Government's  
15 Exhibit 125, whose room is behind that evidence  
16 tape?

17 A. Joe Gallegos.

18 Q. When you entered the room with Joe  
19 Gallegos and Angel DeLeon, what happened?

20 A. When we went into the room, Joe told us  
21 that we were going to be taking out Pancho. That's  
22 Frank Castillo.

23 Q. What did you understand him to mean by  
24 "taking out"?

25 A. That we were going to be killing him.

1 Q. All right. What else did he say in the  
2 room?

3 A. He said that we were waiting for some  
4 heroin to come in, and it was going to be either the  
5 next day or two days later that we were going to  
6 kill Pancho.

7 Q. And who is "he"? Who said that?

8 A. Joe Gallegos.

9 Q. What happened next?

10 A. From there he came up with a plan that we  
11 were going to go into his room in the morning, give  
12 him a shot of heroin, and then strangle him.

13 Q. What happened -- was there anything else  
14 in that first conversation?

15 A. So the way I remember the conversation  
16 going was that we walked into his room, he told me  
17 and Angel that we were going to help him take out  
18 Pancho, and once the heroin came in -- from that  
19 point, as we exited the room, Joe told Edward Troup  
20 that he was going to come out in the morning and  
21 make sure that everybody stayed in their cells while  
22 we carried out the hit.

23 Q. All right. And at some point, did you  
24 have another conversation with Joe Gallegos after  
25 the delivery of the heroin he was waiting for?

1           A.     Well, we started talking about the fact  
2     that it was a small pod, there was only a few people  
3     in there, and we might get caught. At that point,  
4     Joe told us that if we got caught, not to worry,  
5     that his family would take care of an attorney for  
6     us.

7           Q.     When he told you that his family would  
8     take care of an attorney, did he say anything about  
9     DNA tests?

10          A.     He also told us none of us to take a DNA  
11     test.

12          Q.     And who was he talking to when he said  
13     "none of us"?

14          A.     Me and Angel were in the room. And I  
15     don't know if he told Edward Troup that as well or  
16     not, but he told me and Angel definitely not to take  
17     a DNA test.

18          Q.     Did Joe Gallegos assign the roles as to  
19     who would do what during the Pancho murder?

20          A.     Yeah, he said that him and Angel would  
21     hold Pancho while I choked him out.

22          Q.     And what about -- did he say anything  
23     about Edward Troup's role?

24          A.     His role was to keep everybody else in the  
25     day room, inside their rooms, while we carried out



1 the hit, so no one else could see us.

2 Q. At some point later did the heroin arrive?

3 A. It did.

4 Q. What happened?

5 A. I don't know how it came in or how it  
6 arrived. I just know that it was distributed to  
7 people. And we all did some. And that was the end  
8 of the heroin.

9 Q. Did you have a conversation with Joe  
10 Gallegos and Angel DeLeon after the heroin arrived?

11 A. So when the heroin arrived is when we came  
12 up with our plan on going in and who was going to do  
13 what inside the room.

14 Q. So I guess -- I guess what I'm asking is,  
15 it sounds like there was a conversation about Pancho  
16 but waiting till the heroin arrived. Do I have that  
17 right?

18 A. Right.

19 Q. And then there was a second conversation  
20 after the heroin arrived?

21 A. Right.

22 Q. Which conversation was it where Joe  
23 Gallegos assigned the roles and --

24 A. It was when the heroin was there, and you  
25 know, we were inside of his room, you know, getting

1 heroin or whatever, and that's when he told us that  
2 we were going in in the morning as soon as the cells  
3 opened.

4 Q. That was my next question. When did the  
5 next conversation after the heroin take place?

6 A. Just before, like, time to lock the doors  
7 or whatever time, to go into our rooms for the  
8 night.

9 Q. So after this conversation when you're  
10 assigned the roles, what did you do?

11 A. I just -- I kind of waited it out for the  
12 night. I hoped that something would happen that  
13 would change the way the future was going to go. I  
14 tried to wait for a CO to come through to try to  
15 signal to him or something.

16 MR. SINDEL: Your Honor, I object. At  
17 this point it's irrelevant to the question that was  
18 asked, which is what he did.

19 THE COURT: Overruled.

20 BY MR. BECK:

21 Q. Sorry. So when you got -- after the  
22 conversation with Joe Gallegos, what did you do?

23 A. I went into my room and kind of just hoped  
24 that something would change. I mean, I waited for  
25 COs to come through to try to alert them or

1 something. I never got the opportunity to do that,  
2 and I ended up falling asleep.

3 Q. At this time of the night, how much longer  
4 do you have to serve on your sentence that you're at  
5 Southern for?

6 A. Less than a year. Six months or  
7 something.

8 Q. Why were you waiting for a CO to come by?

9 A. Well, I was kind of hoping for a chance to  
10 be able to alert them in some way about what was  
11 about to happen.

12 Q. You talked earlier about earning your  
13 bones. Did you ever think that you'd have to earn  
14 your bones?

15 A. I didn't.

16 Q. What happens the next morning?

17 A. The next morning the doors open. And as  
18 soon as we come out, we just headed over to Pancho's  
19 cell and walked in. Pancho did a shot of heroin and  
20 as soon as he was done injecting the heroin, Joe and  
21 Angel grabbed him, rolled him over onto his bed, and  
22 I began to choke him out.

23 Q. Let me show you Government's Exhibit 124  
24 again. And 2204 -- is that the cell that you went  
25 into when you said that you guys went in in the

1 morning while he did a shot of heroin?

2 A. Yes.

3 Q. Who entered that cell with him that  
4 morning? Is this the morning of the 26th, 2001?

5 A. Yeah.

6 Q. And who went into the cell that morning?

7 A. Me, Joe Gallegos, and Angel DeLeon.

8 Q. I'm going to show you Government's Exhibit  
9 171. Do you recognize this as a diagram of the P-1  
10 housing unit?

11 A. Yes, sir.

12 Q. And so I'm going to mark -- you said the  
13 stairs. I'm going to mark G right there. Is that  
14 Joe Gallegos' cell?

15 A. Yes, sir.

16 Q. And then J on the next one above that. Is  
17 that your cell?

18 A. Yes, sir.

19 Q. And then mark a C here for Castillo. Is  
20 that Pancho or Frank Castillo's cell?

21 A. Yes, sir.

22 Q. So when you went in the cell, Mr. Castillo  
23 started doing -- and so who else was in the cell  
24 with you at the time?

25 A. Me, Joe Gallegos, Angel DeLeon, and Frank

1 Castillo.

2 Q. Okay. And what happened when Frank  
3 Castillo did the shot of heroin?

4 A. As soon as he was done injecting it, Joe  
5 and Angel grabbed him by his arms and rolled him  
6 over onto his bed.

7 Q. What did you do once they grabbed him and  
8 rolled him onto his bed?

9 A. I grabbed his laundry basket (sic) and  
10 began choking him.

11 Q. Where were you when you were choking Frank  
12 Castillo?

13 A. I was standing behind him.

14 Q. May we please see Exhibit 130?

15 So here in this photo of Mr. Castillo's  
16 cell, was he laying down? Did they have him laying  
17 down on the bed, or was he facing the wall on top of  
18 the bed?

19 A. Facing the wall on top of the bed.

20 Q. So if I draw an arrow to the left here of  
21 Mr. Castillo, is that the direction he was facing?

22 A. Yes.

23 Q. Were you standing on the ground or where  
24 were you?

25 A. I was standing on the ground behind him.

1 Q. What happened when you were on the ground  
2 behind him and started choking him?

3 A. He struggled for a little bit, a minute or  
4 so, then he stopped struggling. I tied a knot in  
5 the laundry bag and walked out of the room.

6 Q. If we can see Government's Exhibit 139,  
7 please.

8 And I've just circled on the bag of Mr.  
9 Castillo's head -- is that the knot that you tied  
10 before you left the room?

11 A. Yes, sir.

12 Q. When you walked out of the room, what  
13 happened?

14 A. I walked out of the room and it was time  
15 to go to breakfast or whatever, so I went to the  
16 cafeteria.

17 Q. Let me stop you there, Mr. Jaramillo.  
18 When you tied the knot and left the room, was  
19 Mr. Castillo on the bed like we saw him there, or  
20 was he still partly on the floor and partly on the  
21 bed?

22 A. He was still partly on the floor and  
23 partly on the bed.

24 Q. And when you left the cell and walked out,  
25 was there anyone -- where was Joe Gallegos and where

1 was Angel DeLeon?

2 A. When I walked out of his cell, they were  
3 still in there.

4 Q. And when you walked out of the cell, did  
5 you see Edward Troup?

6 A. I saw him downstairs.

7 Q. Was there anyone else out on the tier?

8 A. No.

9 Q. So in your belief, was he doing his job to  
10 keep everyone else --

11 MR. BURKE: Objection, leading.

12 A. I believe he was.

13 THE COURT: Overruled.

14 BY MR. BECK:

15 Q. When you walked out of the room and saw  
16 Mr. Troup, and Gallegos and DeLeon were still in the  
17 room, what happened? What did you do?

18 A. I got out of the housing unit as quick as  
19 I could. It was time for breakfast and I left.

20 Q. And what happened after breakfast?

21 A. After breakfast, we came back to the unit  
22 and then there was like a certain amount of time  
23 between then and the time we were released for,  
24 like, work or rec yard and stuff like that. So just  
25 kind of hung around in the day room a short time,

1 15, 20 minutes or so. I believe it was laundry day,  
2 so we turned in all of our dirty clothes to be  
3 washed and stuff like that, and then went back out  
4 on the unit to head over to work.

5 Within a few minutes of that, I guess  
6 somebody had discovered a dead body in the jail and  
7 locked the jail down.

8 Q. Where were you when they locked the jail  
9 down?

10 A. I was in, like, a common area of the  
11 prison, like the center common area when they called  
12 the lockdown. Then I was sent back to my housing  
13 unit and locked in my cell.

14 Q. Can we see Exhibit 826, please? Sorry,  
15 wrong one. 860.

16 So when you say you were in the common  
17 area when they called lockdown, go ahead and circle  
18 where you were.

19 A. (Witness complies.)

20 Q. So for the record, you've circled the open  
21 area in the middle of the three big rectangular --

22 A. This is the cafeteria, this is the school  
23 building, this is the gym.

24 Q. So in between the cafeteria, the school  
25 building, and the gym?



1 A. Yes, sir.

2 Q. Let me -- you said it was laundry day.

3 Did you actually put your laundry to be collected  
4 with the main laundry between the time when you  
5 killed Pancho and you were locked down?

6 A. Yes.

7 Q. Sorry. Did you say yes?

8 A. Yes.

9 Q. What happened when you were locked down?

10 A. We just stayed in our cell for a long  
11 while, and then sometime late at night the state  
12 police came and brought us out of our cells to give  
13 interviews.

14 Q. Did you give an interview to the state  
15 police?

16 A. I did.

17 Q. Did you tell them the truth?

18 A. I did not.

19 Q. Did you provide a DNA sample?

20 A. I did.

21 Q. Do you know if anyone else did?

22 A. I'm not sure.

23 Q. Why did you provide a DNA sample?

24 A. I think just because Joe told us not to,  
25 and I wanted to separate myself from the group.

1 MR. SOLIS: Your Honor, may we approach,  
2 sir?

3 THE COURT: You may.

4 (The following proceedings were held at  
5 the bench.)

6 MR. SOLIS: He's got the runs, and I'm so  
7 sorry to interrupt, but he's got --

8 MR. GRANBERG: Your Honor, I have some  
9 Imodium in my car. I don't know if he could even  
10 take it. I'd be happy to run and get it.

11 THE COURT: If the marshals don't mind, I  
12 don't care.

13 MR. GRANBERG: I'll go ask them, and run  
14 out to the car.

15 (The following proceedings were held in  
16 open court.)

17 THE COURT: All right. We'll be in recess  
18 for a few minutes.

19 (The jury left the courtroom.)

20 THE COURT: All right. We'll be in recess  
21 for about 15 minutes.

22 (The Court stood in recess.)

23 THE COURT: Anyone from the Government  
24 have anything before we bring the jury in?

25 MR. BECK: No, Your Honor.

1 THE COURT: How about from the defendants?  
2 Anybody have anything before we bring the jury back?

3 (The jury entered the courtroom.)

4 THE COURT: All right. Mr. Jaramillo,  
5 I'll remind you that you're still under oath.

6 Mr. Beck, if you wish to continue your  
7 direct examination of Mr. Jaramillo, you may do so  
8 at this time. Mr. Beck.

9 BY MR. BECK:

10 Q. Mr. Jaramillo, after March 26, after you  
11 talked with state police, what happened at Southern  
12 for the rest of the time you were incarcerated  
13 there? What was the status?

14 A. We stayed on lockdown. Never came back  
15 out into population.

16 Q. And while you were on lockdown, what was  
17 the procedure in the pod if someone was going to  
18 shower or anything like that?

19 A. I believe they would take us escorted in  
20 handcuffs. I mean, that's how it works in lockup.

21 Q. And how many people would they take at a  
22 time --

23 A. One.

24 Q. -- during that time?

25 A. Well, usually one on the top tier, one on

1 the bottom tier.

2 Q. And you said that you and at least Joe  
3 Gallegos were on the top tier; right?

4 A. Yeah.

5 Q. During that time, did you ever have  
6 conversation, interaction, with Joe Gallegos while  
7 Southern was on lockdown?

8 A. Probably. He was in the cell next to me,  
9 so I probably conversated with him.

10 Q. Do you remember conversations with him  
11 about anything?

12 MR. SINDEL: I'm going to object to the  
13 leading form of the question that clearly is coming.

14 THE COURT: Overruled.

15 BY MR. BECK:

16 Q. Do you remember anything about  
17 conversations with Mr. Gallegos about the Pancho  
18 incident during that time?

19 A. No.

20 Q. Would it refresh your recollection if I  
21 showed you an FBI report from an interview of yours?

22 A. It may.

23 MR. BECK: May I approach, Your Honor?

24 THE COURT: You may.

25 MR. BECK: Counsel, I'm going to approach

1 with Bates No. 71099.

2 BY MR. BECK:

3 Q. Mr. Jaramillo, I'm going to show you an  
4 FBI 302 report. Is that your name at the top?

5 A. Yes, sir.

6 Q. And did you meet with the FBI with me on  
7 April 18, 2018?

8 A. Yes, sir.

9 Q. I'll direct your attention to the last  
10 page here, the second paragraph, the first full  
11 paragraph. Read that conversation, and let me know  
12 if it refreshes your recollection. Just read it to  
13 yourself.

14 A. Okay. Yeah, I do remember that.

15 Q. Did that refresh your recollection as to  
16 whether you had a conversation with Mr. Gallegos?

17 A. Yes, sir.

18 Q. And so during the time after the murder  
19 that Southern was on lockdown, what conversation did  
20 you have with Joe Gallegos?

21 A. He had asked if I'd provided a DNA sample  
22 and asked what kind of statements I'd made to the  
23 state police.

24 Q. And what did you say?

25 A. I told him that I did provide a DNA

1 sample -- or that I did not provide a DNA sample and  
2 that I did not give any statements to the state  
3 police.

4 Q. May we have Exhibit 171 once again?

5 So again, looking at this Exhibit 171, the  
6 bottom right cell in green pod -- was that Joe  
7 Gallegos' cell?

8 A. Yes, sir.

9 Q. And then right on top of it?

10 A. That's actually right next to it.

11 Q. Sorry. Right next to it, on top of it, in  
12 this diagram, was that your cell?

13 A. Yes, sir.

14 Q. And then labeled on here at the top right  
15 of the diagram, is that where the shower was at that  
16 time?

17 A. Yes, sir.

18 Q. And was it when Mr. Gallegos was being  
19 taken to and from the shower that this conversation  
20 happened?

21 A. Either being taken to or they might have  
22 just opened our doors and let us walk to the  
23 showers. I don't remember exactly what the  
24 procedure was in that pod. Because it wasn't a  
25 normal lockdown pod. It was normally a population

1 pod. So being that we were on lockdown, I don't  
2 remember if they would just automatically just open  
3 the door one at a time as you go take a shower, or  
4 if they would come and handcuff you and take you  
5 over to take a shower at that point.

6 Q. I'm going to show you what's been marked  
7 as -- what's been admitted, excuse me, as  
8 Government's Exhibit 881. Mr. Jaramillo, this is  
9 your offender physical location history from the  
10 Corrections Department. Is that your name and your  
11 Corrections Department number at the top?

12 A. Yes, sir.

13 Q. You told us earlier about when you left  
14 the SNM because you were assaulted by Tomas Clark.  
15 Does looking at the top of this, the last couple of  
16 years that you were in prison, refresh your  
17 recollection as to when that was?

18 A. Yes, sir.

19 Q. And when was that?

20 A. Close to the date of 1/11/2006.

21 Q. So I'm going to underline 1/11/2006. And  
22 how does this refresh your recollection as to when  
23 that happened?

24 A. Just because I remember the pod that it  
25 was in -- it was J. I was only in that pod for a

1 couple of days, maybe a week or so.

2 Q. So when did you leave the SNM because of  
3 the assault?

4 A. Pretty much when it happened I made that  
5 decision.

6 Q. Was that January of 2006, then?

7 A. Yes, sir.

8 Q. So you talked about Joe Gallegos and his  
9 involvement with Pancho. Do you see Joe Gallegos in  
10 the courtroom today?

11 A. I do.

12 Q. Where is he?

13 A. He just stood up.

14 Q. Is that the Joe Gallegos that you've been  
15 telling us about?

16 A. Yes, sir.

17 Q. And you told us about Edward Troup out in  
18 the pod watching the doors. Do you see Edward Troup  
19 in the courtroom today?

20 A. Yes, sir.

21 Q. Where is he?

22 A. On the seat right in front of Joe  
23 Gallegos.

24 Q. What is he wearing?

25 A. A black suit.



1 MR. BECK: Let the record reflect the  
2 identification of Edward Troup.

3 THE COURT: The record will so reflect.

4 BY MR. BECK:

5 Q. You identified Critter earlier as an SNM  
6 member when you were locked up in 2001. Do you see  
7 him in the courtroom today?

8 A. I see him in the back row, the white  
9 shirt.

10 MR. BECK: Let the record reflect the  
11 identification of the defendant Christopher Chavez.

12 THE COURT: The record will so reflect.

13 BY MR. BECK:

14 Q. When you were incarcerated in 2001, did  
15 you know an SNM member Trigger?

16 A. Sort of. And I knew of him.

17 Q. What did you know about Trigger?

18 A. That he was an SNM member from Silver  
19 City.

20 Q. And do you see Trigger in the courtroom  
21 today?

22 A. I don't really recognize him, no. I mean,  
23 I think I see who it is, but I'm not sure.

24 Q. And who do you think that is?

25 A. I believe he's in front of Critter.

1 Q. What is he wearing?

2 A. A black suit.

3 Q. And what color shirt?

4 A. Bluish, light blue.

5 MR. BECK: Let the record reflect the  
6 identification of Allen Patterson.

7 THE COURT: The record will so reflect.

8 BY MR. BECK:

9 Q. Mr. Jaramillo, after the Pancho, Frank  
10 Castillo murder, when was the first time you  
11 admitted to someone your participation in murdering  
12 Frank Castillo?

13 A. When I talked to you.

14 Q. Was that earlier -- was that last month,  
15 on April 18, that we saw in the report?

16 A. Yes, sir.

17 Q. Over the years, have you also been  
18 interviewed? Since the night of the murder, have  
19 you been interviewed by police regarding the Frank  
20 Castillo murder?

21 A. Yes.

22 Q. And did you tell them the truth about it?

23 A. No, I didn't.

24 Q. Have you ever talked to Edward Troup? Did  
25 you talk to Edward Troup at the Penitentiary of New

1 Mexico North facility?

2 A. Yes.

3 Q. And what was the conversation that you and  
4 Edward Troup had there?

5 A. Just general conversation. Nothing in  
6 particular. We were seeing each other in the rec  
7 yard and stuff like that.

8 Q. Did he ask you about whether you talked to  
9 police?

10 A. Yeah.

11 Q. What did he say and what did you say?

12 A. He just asked if the police had come to  
13 interview me at PNM. I told him yes, and that I  
14 didn't say anything to them.

15 Q. Before you and I met -- well, let me ask  
16 you, why did you come to court the day that you and  
17 I met?

18 A. I was subpoenaed.

19 Q. When you came, why did you tell me for the  
20 first time the truth about your involvement with  
21 Frank Castillo?

22 A. Mostly because you offered me immunity.

23 Q. When you say "immunity," did I provide you  
24 with what we call a Kastigar letter?

25 A. Yes, sir.

1 Q. Before that time, were you ever approached  
2 by anybody from the FBI about the Frank Castillo  
3 matter?

4 A. Yes, sir.

5 Q. What did you tell them before that?

6 A. I told them I didn't know anything about  
7 it and I wasn't an SNM member.

8 Q. Have you in the last couple of years been  
9 approached by a defense investigator about Frank  
10 Castillo?

11 A. Yes.

12 Q. What did you tell that person?

13 A. The same thing, that I didn't know  
14 anything about it and I wasn't an SNM member.

15 MR. BECK: May I have a moment, Your  
16 Honor?

17 THE COURT: You may.

18 MR. BECK: Nothing further, Your Honor.  
19 Thank you.

20 THE COURT: Thank you, Mr. Beck.

21 Mr. Burke, are you going to start the  
22 cross-examination of Mr. Jaramillo?

23 CROSS-EXAMINATION

24 BY MR. BURKE:

25 Q. Mr. Jaramillo, I wanted to ask you about

1 your first year in the penitentiary.

2 A. Okay.

3 Q. How old were you when you went in to the  
4 New Mexico Corrections Department?

5 A. I believe 19 or 20.

6 Q. When were you born?

7 A. 1979.

8 Q. And you went in on March 10th; is that  
9 correct?

10 A. Looks like it, yeah.

11 Q. Do you remember by March 20, you had a  
12 fight with another inmate?

13 A. I do.

14 Q. Do you remember in April that you got  
15 another major violation for being in the wrong cell?

16 A. I don't remember that specifically, but  
17 sounds accurate.

18 Q. Do you remember after that being given the  
19 opportunity to go into protective custody, but  
20 contrary to what you've said on direct, you refused  
21 to go into protective custody? Do you recall that?

22 A. Contrary to what I what?

23 Q. Said on direct about going into protective  
24 custody, did you not go into protective custody?

25 A. At what time?

1 Q. April of '99.

2 A. April of '99, I may have not. But there,  
3 soon after, I did.

4 Q. Would you like to see this to be sure,  
5 this document?

6 A. I mean, so I wanted to see -- to take into  
7 consideration, you're asking about April of 2000.  
8 We're now in April of 2018. I don't remember  
9 exactly what date I might have taken on protective  
10 custody.

11 Q. To be sure, there are questions about your  
12 memory. But I'm just wondering if you remember  
13 refusing going into protective custody.

14 A. Yeah. Can you tell me what facility I was  
15 in?

16 Q. Well, maybe you can tell -- I'll show you  
17 that.

18 MR. BECK: May we approach?

19 THE COURT: You may.

20 (The following proceedings were held at  
21 the bench.)

22 MR. BECK: So again, this is my earlier  
23 objection with the documents that we have not been  
24 provided. So if I can be provided a copy.

25 MR. BURKE: I'll give them to them after I

1 do the cross. The Government's habit of refreshing  
2 the memory of their witnesses is legendary in this  
3 case, and it would have been ineffective assistance  
4 of counsel if I'd have given this to Government  
5 counsel, because he would have just conformed his  
6 testimony.

7 MR. BECK: It's a violation of the  
8 discovery order that we don't have that provided.

9 THE COURT: Well, he can't do it now.

10 MR. BURKE: It was a violation of the  
11 discovery order to not get --

12 THE COURT: Hold on. Hold on. He can't  
13 do it now. Whatever has happened has happened.  
14 Hand your document that Mr. Beck doesn't have to  
15 Ms. Bevel, and let me make a copy of it, and we'll  
16 hand it to him here, and then you can go ahead with  
17 your cross-examination.

18 MR. BURKE: Okay. Your Honor, there are  
19 several of them. The guy just basically lied  
20 throughout his testimony.

21 THE COURT: I'm sure you'll prove that.

22 MR. BURKE: I'm hoping. So there are  
23 several --

24 THE COURT: Why don't you hand her the  
25 copies so he can follow along what's at the bench

1 with you and then --

2 MR. BURKE: Could we do it at a break?

3 THE COURT: Just hand it to her right now.

4 And she'll make copies and we'll just keep plowing  
5 ahead. Just make a copy, and Mr. Burke can hand  
6 them to Mr. Beck.

7 MR. BURKE: May I complete my record?

8 THE COURT: Sure.

9 MR. BURKE: These are records that should  
10 have been provided in discovery, because we asked  
11 for records related to the inmate witnesses.

12 THE COURT: How did you get them and  
13 Mr. Beck not have them?

14 MR. BURKE: Because Sonya Salazar, God  
15 love her, unbeknownst to me, did an IPRA request  
16 when you ruled that you were going to let him  
17 testify; and over -- the end of last week, said,  
18 "Look what I found."

19 THE COURT: Who is Sonya Salazar?

20 MR. BURKE: She's the paralegal in the  
21 black blouse over there.

22 THE COURT: Back there with Mr. Blackburn?

23 MR. BURKE: I didn't even ask her to do  
24 it. She did it on her own.

25 THE COURT: What is that, Mr. Sindel?

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1 MR. SINDEL: This is part of the materials  
2 that were obtained as a result of the Information  
3 Act request.

4 THE COURT: This is prior to what  
5 Mr. Burke is talking about?

6 MR. SINDEL: Similar stuff.

7 THE COURT: It's amazing what you can get  
8 by just asking.

9 MR. SINDEL: We did a subpoena and that  
10 didn't work.

11 THE COURT: It took an IPRA request.

12 MR. BURKE: We tried it earlier.

13 MR. BECK: Is this my copy?

14 MR. SINDEL: No. I asked them to make a  
15 copy. She said one at a time.

16 THE COURT: Y'all probably won't, but Bob  
17 Cooper will remember Jack Akin at the Rodey Law  
18 Firm. I was in a case, an oil and gas case, that  
19 had an accident out at a well site, and one of the  
20 early lessons he gave me was -- he said, "Browning,  
21 how many witnesses were there to the accident?"

22 And I clicked through everybody on the  
23 drilling crew. And he says, "There's one more."  
24 Because we had deposed everybody, we'd interviewed  
25 everybody, I'd gone and gotten some sworn testimony

1 from people. And there was one. He says, "What  
2 about him?"

3 I said, "I don't know. I don't know where  
4 he is."

5 "Well, look at the phone book."

6 I turned around and pulled the phone book  
7 out and looked him up and called him. There he was.  
8 "Will you talk to my associate?" It was a valuable  
9 lesson to me that the phone book is an awfully  
10 powerful -- of course, nobody uses a phone book  
11 anymore. But it was an awfully powerful discovery  
12 device. You just ask, and they show up.

13 MR. COOPER: Oh, yeah.

14 THE COURT: Jack was quite a character,  
15 wasn't he?

16 MR. COOPER: He was absolutely.

17 THE COURT: He was a good lawyer.

18 MR. COOPER: There were a lot of good  
19 lawyers in that firm.

20 THE COURT: There were. Especially then.  
21 They gave me Jack first. I didn't really want to do  
22 personal injury work. It didn't appeal to me a  
23 whole lot. I didn't like talking to doctors and  
24 nurses.

25 MR. BURKE: I'll be back.

1 THE COURT: I learned a lot.

2 MR. COOPER: I wish I would have had that  
3 sort of a training. I hung out my shingle day one,  
4 and 37 years later here I am.

5 THE COURT: You're doing real badly.

6 MR. COOPER: Thank you.

7 THE COURT: Why don't you give that to  
8 Ms. Bevel and she can make a copy of that.

9 MR. SINDEL: This is an extra one here.

10 THE COURT: But I think you have what she  
11 had from Mr. Burke.

12 (The following proceedings were held in  
13 open court.)

14 THE COURT: All right, Mr. Burke.

15 BY MR. BURKE:

16 Q. Mr. Jaramillo, I just wanted to show you  
17 that protective custody document.

18 A. Sure.

19 Q. That's your signature?

20 A. In 1999, yes.

21 Q. As I say, I just wanted to ask you some  
22 questions about your first year in, when you were 19  
23 or 20, I think you said.

24 A. I think 20.

25 Q. 20. All right. Thank you. And then

1 after that, you had --

2 A. Was that -- can I just ask a question of  
3 you? Was that generated because of the fight that I  
4 was in? Is that what that was about? Like  
5 sometimes if you're in a fight, then they'll say you  
6 need to be in protective custody. That particular  
7 fight I got into within a couple of weeks of being  
8 in prison, I didn't need to be in protective  
9 custody. It was over like a bag of toilet paper, or  
10 something like that.

11 Q. Yeah. That's why Mr. Beck is here, to ask  
12 you questions about that. I just wanted to make a  
13 point that you're not really the PC kind of guy, are  
14 you?

15 A. I feel probably at this point in my life I  
16 might be. At that point, probably not.

17 Q. Do you recall their next incident report  
18 was for failing to take a urine test?

19 A. Okay.

20 Q. Do you recall that at all? And that's  
21 because you were doing drugs, and you didn't want to  
22 give the urine; correct?

23 A. Probably, so yes.

24 Q. All right. And then after that, even  
25 though they told you that not doing the urine test

1 would be the same as a positive urinalysis -- that's  
2 the rule; right? That was the rule; right?

3 A. I guess so.

4 Q. And because of that, you forfeited 45 days  
5 of good time; correct? And you had disciplinary Seg  
6 for ten days; right?

7 A. Okay.

8 Q. Something like that. And then there was a  
9 custody transfer review in October of '99. Does  
10 that ring a bell, sir?

11 A. Yeah.

12 Q. And then --

13 A. Can you tell me where I was placed at this  
14 time in October of '99? Can you tell me where I was  
15 placed?

16 Q. Here is CNMCF. November '99, you engaged  
17 in the sharpening of an instrument capable of  
18 causing great bodily harm, assisted another inmate  
19 in this group activity, and you got a shot for that.  
20 Do you recall that?

21 A. I got a shot for that?

22 Q. You got an incident report for that?  
23 Would you like to see the document?

24 A. I'm not disputing it or it happening or  
25 anything. I just don't remember.

1 Q. So as we turn to the year 2000, you're at  
2 Central. Do you see that?

3 A. Okay.

4 Q. And that's where you ran into Leroy Smurf  
5 Lucero; correct?

6 A. What I think, between there, there was a  
7 couple of other stops; right? Like Guadalupe County  
8 Correction Facility --

9 Q. You were very active.

10 A. -- where I actually did request protective  
11 custody, so between those two transfers.

12 Q. You were very active, that's for sure.

13 When you ran into Smurf Lucero, he said  
14 you were the kind of guy that would be just right  
15 for the SNM?

16 A. That's what he said to who? Me or you?

17 Q. Is that what he said to you? He  
18 approached you; right, Mr. Jaramillo?

19 A. Well, actually another guy.

20 Q. He approached you; right?

21 A. Actually, another guy that I was with in a  
22 housing unit approached me, yeah.

23 Q. And he approached you because he knew who  
24 you were. He had figured out some things about you;  
25 correct?

1 A. Apparently.

2 Q. All right. You had a reputation already  
3 at that age, and once again in May of 2000, you  
4 again waived your right to protective custody. This  
5 will be after what you were talking about. Would  
6 you like to see it, sir?

7 A. No, I don't want to see it.

8 Q. So May of 2000, contrary to what you said  
9 on direct, here you are, "Michael Jaramillo" --

10 A. You keep on saying contrary to what I said  
11 on direct. I don't know you mean --

12 Q. -- "of my own free will and accord" --

13 A. You're switching the whole --

14 Q. -- "wish to waive my protective custody  
15 status. I understand fully that the New Mexico  
16 Corrections Department and/or staff will in no way  
17 be held liable for my safety while incarcerated. No  
18 enemies. I'll be okay." Do you remember that?

19 A. I do remember that. That was after  
20 sitting in the cell for about six months and being  
21 desperate to get out.

22 Q. Not really. You weren't sitting in any  
23 cell.

24 A. All right.

25 Q. Then somehow you made it up to PNM. Do

1 you remember that?

2 A. I remember going to PNM, yeah. To a  
3 minimum unit. Is that what you're talking about?

4 Q. South Level 5?

5 A. Yeah, I remember that.

6 Q. And they were going to transfer you back  
7 down to Southern; correct? Look at February 15,  
8 2001. You're on your way back to Southern; right?

9 A. Okay.

10 Q. All right. But before you could go in,  
11 you had to go through Central again; right? And  
12 that was when you took the security keys at Central  
13 New Mexico. Do you remember taking the keys?

14 A. No, I don't.

15 Q. Would you like to see it?

16 A. I would. I would love to see that.

17 Q. Is that your signature?

18 A. I don't remember ever taking keys in  
19 Central New Mexico. I remember that in Bernalillo  
20 County Detention Center I did that. I don't know if  
21 that's tied into that, but that didn't happen in  
22 Central New Mexico.

23 Q. But you did read it and you saw it was on  
24 their letterhead; right?

25 A. Yes.



1 Q. Okay. Then the next thing you did, in  
2 December of 2000 -- so this is after you're an SNM  
3 member, because Smurf has admitted you -- you opened  
4 your locked cell door and began to assault Michael  
5 Minitres. Do you remember that?

6 A. I do.

7 Q. He was an LC?

8 A. Yes.

9 Q. And you attacked him because it was  
10 expected of you as an SNM member; correct?

11 A. I assaulted him because he came into the  
12 pod and told the other SNM members that I was a  
13 member of the LC, and that was my only way of trying  
14 to prove --

15 Q. But it was your obligation to hit on LCs;  
16 correct? Yes or no?

17 A. At that point it was my obligation to hit  
18 on that LC, for sure.

19 Q. And do you remember you were injured and  
20 there were photographs taken; correct?

21 A. Okay.

22 Q. Do you want to see them?

23 A. I don't want to see them. I don't  
24 remember exactly.

25 Q. Jerry Roark actually took the photographs

1 of your beatdown of Mr. Minitres; right? And you  
2 got a sanction for that; correct?

3 A. Yes, sir.

4 Q. And then you're transferred, but first,  
5 before you had the transfer, you had to have an  
6 incident where you're throwing stuff out into the  
7 pod. Do you remember that?

8 A. Yes.

9 Q. All right. And you get down to Southern,  
10 and they review your history, and there is some  
11 concern about whether to put you into population;  
12 true?

13 A. True.

14 Q. And you said, "Just fine. It's okay for  
15 you to do that"; correct?

16 A. Yes, sir.

17 Q. All right. And as was reflected in the  
18 photograph that we looked at earlier, you were  
19 already an accepted member of the SNM there in the  
20 photograph of March of 2000; correct?

21 A. Yes, sir.

22 Q. That was your journey to Mr. Castillo's  
23 pod; correct?

24 A. I feel like you left out a couple of  
25 stops, but yeah.

1 Q. Could we see 591 again?

2 So there is the guy that you killed four  
3 people away from you; right?

4 A. Yes, sir.

5 Q. And this is your group at that point;  
6 correct?

7 A. Yes, sir.

8 Q. And then only a few weeks later you did  
9 what you did. You killed him; right?

10 A. Yes, sir.

11 Q. All right. And then you actually get out,  
12 don't you?

13 Can we go back to 881?

14 A. I did.

15 Q. And then you ended up back in; correct?

16 A. Yes, sir.

17 Q. And why were you back in?

18 A. So I came back in under the charges.

19 MR. BECK: Objection, Your Honor.

20 Q. Is there a reason? Just tell us generally  
21 why you were --

22 THE COURT: Well, you don't have any  
23 problem with the conviction coming in? I mean, it's  
24 in?

25 MR. BECK: I don't have any problem with

1 him coming back into prison.

2 THE COURT: What is your objection, then?

3 MR. BECK: Well, may we approach.

4 THE COURT: Okay. Is it the underlying  
5 facts? We better hear it, then.

6 (The following proceedings were held at  
7 the bench.)

8 THE COURT: I guess I'm not tracking.  
9 What's your concern?

10 MR. BECK: The convictions are not in. I  
11 thought that was the concern.

12 MR. BURKE: I wasn't going to go there. I  
13 was just going to get --

14 THE COURT: Okay.

15 MR. BECK: I just wanted the conviction to  
16 stay out.

17 THE COURT: Fair enough. Okay.

18 (The following proceedings were held in  
19 open court.)

20 THE COURT: Let me just hear your next  
21 question, Mr. Burke, probably the one that was  
22 before that.

23 BY MR. BURKE:

24 Q. Did you suffer some sort of conviction  
25 which resulted in you going back to prison?

1 A. Yes, sir.

2 Q. All right. And when was that, sir?

3 A. Real soon after I got released.

4 Q. Okay. And as is the custom of the New  
5 Mexico Corrections Department, they needed to  
6 classify you, take a look at you, and figure out  
7 where to put you; fair?

8 A. Yes, sir.

9 Q. And they decided that you needed to go  
10 back to Level 6, PNM; correct?

11 A. Okay.

12 Q. And one of the reasons was that you were  
13 still being investigated for the homicide back in  
14 2001. That's a fair statement, isn't it?

15 A. Yes, sir.

16 Q. And so -- but you're trying to work your  
17 way back to Southern, and you do in 2004, there on,  
18 looks like, June 18, 2004; correct?

19 A. Okay.

20 Q. And that was -- it was at Southern that  
21 you and some of your colleagues beat the snot out of  
22 Francisco Torres; right?

23 A. Maybe.

24 Q. Would you like to see the document?

25 A. I'm not disputing the fact that there was

1 a whole lot of gang activity going on at the time.

2 I'm saying it probably happened.

3 Q. Involving you.

4 A. Yeah.

5 Q. You along with some other people beat the  
6 living heck out of him, didn't you?

7 A. Yeah.

8 Q. And that resulted in you going back to  
9 PNM; correct? Not because you were in protective  
10 custody.

11 A. No, that's not true. That's not true.

12 Q. You didn't go back to PNM?

13 A. Not at that time. I went to segregation  
14 for a couple of weeks, and then right back into  
15 whatever.

16 Q. So it was you and Daniel Smurf Archuleta,  
17 Vernon Clark, and you took Mr. Torres apart, didn't  
18 you? You beat him pretty bad?

19 A. I assume so.

20 Q. Yeah. And what was the reason that you  
21 did that?

22 A. I don't know. I was told to.

23 Q. By Styx?

24 A. I don't remember.

25 Q. Do you remember that he was being beaten

1 out of the SNM? Does that ring a bell?

2 A. No, that doesn't ring a bell. That's not  
3 how you get out of the SNM.

4 MR. BURKE: May I approach, Your Honor?

5 THE COURT: You may.

6 A. You're saying that's what inmate Torres  
7 said.

8 BY MR. BURKE:

9 Q. Look at this. So at least one of the  
10 people involved said he was being beaten out of the  
11 SNM; right?

12 A. That's what it looks like Mr. Torres said,  
13 yes.

14 Q. Can that happen?

15 A. Not that I know of.

16 Q. But it looks like it did; right?

17 A. According to Mr. Torres, it looked like it  
18 did.

19 Q. All right. Thank you. Jumping ahead just  
20 a little bit. When you left in 2008; is that  
21 correct?

22 A. Yes, sir.

23 Q. And you said goodbye to the SNM; correct?

24 A. Yes, sir.

25 Q. You did not go to any monthly meetings;

1 correct?

2 A. No.

3 Q. You didn't go to the RPP in order to get  
4 out; right?

5 A. No.

6 Q. You just left, and that was it?

7 A. That was it.

8 Q. And no one came by and beat you up because  
9 you did that; right?

10 A. No.

11 Q. All right. I do want to ask you about the  
12 Tomas Clark incident. Isn't it true, sir, that you  
13 were the aggressor in that? That you were on the  
14 phone, you went downstairs, Tomas Clark was coming  
15 out of the shower, and you pounded him?

16 A. No, that's not true at all.

17 Q. Would you like to see some documents that  
18 might refresh your memory about being the aggressor,  
19 Mr. Jaramillo?

20 A. I mean, I don't want to see any documents.  
21 I'm telling you for a fact that's not the way it  
22 happened. I mean --

23 Q. So you don't recall having an  
24 institutional hearing in which you didn't even raise  
25 a defense?



1 THE COURT: Hold on.

2 MR. BECK: Objection, Your Honor. I think  
3 we're getting into hearsay now.

4 THE COURT: Yeah. Be careful about just  
5 reading from the document. If you want to try to  
6 ask him questions about what occurred, then I think  
7 that --

8 BY MR. BURKE:

9 Q. Did you know there was video surveillance  
10 of you attacking him in the shower?

11 A. I know for a fact there was not video  
12 surveillance of attacking anyone in the shower. I  
13 know that for sure.

14 Q. Okay. Let me just show you this just so  
15 you can see it and see if it will change your mind.

16 MR. BECK: Objection, Your Honor. I don't  
17 think he needs his memory refreshed.

18 MR. BURKE: He might.

19 THE COURT: I'll allow him to refresh his  
20 memory. Overruled.

21 MR. BURKE: Thank you.

22 A. Okay. That's an officer's interpretation  
23 of a silent video. I mean --

24 BY MR. BURKE:

25 Q. It's an officer's interpretation of the

1 existence of a video?

2 A. No, it's his interpretation of a silent  
3 video, I said.

4 Q. And are you -- do you remember that you  
5 didn't go into protective custody after that?

6 A. So what I did from that point is to reduce  
7 the amount of paperwork generated with protective  
8 custody written on it. I had my wife call up to the  
9 case manager and request protective custody for me,  
10 because the Department of Corrections had the habit  
11 of letting that stuff fall into population.

12 Q. All right. Let me show you a document  
13 dated July 26, 2006. See if it refreshes your  
14 memory.

15 THE COURT: Hold on just a second.

16 MR. BECK: May we approach, Your Honor?

17 THE COURT: You may.

18 (The following proceedings were held at  
19 the bench.)

20 MR. BECK: I see the document. I still  
21 don't have copies of these documents.

22 THE COURT: Do you want a copy of this?

23 MR. BURKE: It was in the --

24 THE COURT: Are you sure it's not in the  
25 packet?

1 MR. BURKE: It might not have been.

2 THE COURT: Ms. Bevel, can you make  
3 Mr. Beck a copy of these documents?

4 MR. BECK: Are there any more documents  
5 we're going to need copies of?

6 MR. BURKE: We're done. But Rick may have  
7 some, all of which should have been provided in  
8 discovery.

9 THE COURT: Who may have some?

10 MR. BURKE: Rick may have.

11 THE COURT: Mr. Cooper, would it interrupt  
12 you too much if you just walk back and ask  
13 Mr. Sindel if he has more documents? Maybe I can  
14 make a copy of them now.

15 MR. BURKE: I don't know which ones he was  
16 using.

17 THE COURT: He walked over and gave  
18 Mr. Beck something. Was that the Freedom Of  
19 Information Act request or something more  
20 substantive?

21 MR. BECK: I think he gave me some  
22 documents. I'll also say that I don't know why  
23 we're approaching. I don't think he needs his  
24 memory refreshed.

25 THE COURT: I don't think at this point

1 you have -- I'm not sure he really answered your  
2 question that he gave, but I don't think you have a  
3 statement yet that you can impeach him, and I don't  
4 think you can refresh him on that. So you may have  
5 to work a little bit more to see -- if that's what  
6 you're doing, is trying to refresh his memory.

7 MR. BURKE: I thought he said he didn't --

8 THE COURT: Well, he gave you an answer.  
9 Maybe you interpreted it differently than I did.  
10 "What I did from that point was reduce the amount  
11 paperwork generated with protective custody written  
12 on it. I had my wife call up the case manager and  
13 request protective custody."

14 MR. BURKE: I'll just ask him one more  
15 question about that.

16 MR. COOPER: Mr. Sindel may have some  
17 more, but he doesn't know quite for sure yet. So he  
18 can --

19 MR. BECK: Well, it seems to me if they  
20 have these documents that they're working from,  
21 they're discovery materials.

22 THE COURT: I think that's probably true.  
23 And there is not going to be any prejudice here  
24 because he can't talk to the witness and he can't do  
25 anything with the documents.

1 Tell Mr. Sindel that the Court is telling  
2 him whatever he's got, turn it over to Mr. Beck so  
3 that we can have a little bit smoother transition  
4 here.

5 (The following proceedings were held in  
6 open court.)

7 THE COURT: All right, Mr. Burke.

8 BY MR. BURKE:

9 Q. Mr. Jaramillo, I just wanted to ask you if  
10 you recall that you did not request protective  
11 custody after the Clark fight.

12 A. So I recall having my wife call and  
13 request it for me.

14 Q. You know, I asked you if you remember  
15 whether you asked. I didn't really ask about your  
16 wife's phone call.

17 A. Okay. But that's my answer.

18 Q. Okay.

19 MR. BURKE: May I approach the witness  
20 now, Your Honor?

21 THE COURT: You may.

22 MR. BECK: Your Honor, again I'm going to  
23 object. I don't think he needs his memory  
24 refreshed.

25 THE COURT: Let's see. I can think of a

1 situation where his answer would deviate from what  
2 he just gave. So let me hear what Mr. Burke says.  
3 Overruled.

4 BY MR. BURKE:

5 Q. Now, that you looked at the document, it  
6 is true, isn't it, Mr. Jaramillo, that you did not  
7 ask for protective custody?

8 MR. BECK: Objection to hearsay, Your  
9 Honor.

10 THE COURT: Overruled.

11 A. So --

12 BY MR. BURKE:

13 Q. Yes or no?

14 A. I requested protective --

15 Q. Yes or no, Mr. Jaramillo?

16 A. I don't even know what you're showing me.  
17 I didn't sign that. Is my signature on it?

18 MR. BECK: Objection, Your Honor,  
19 badgering the witness.

20 THE COURT: Overruled.

21 BY MR. BURKE:

22 Q. Did you ask for protective custody?

23 A. I asked for protective custody through my  
24 wife. That's how I did it. I had my wife call the  
25 prison and ask for protective custody for me.

1 That's how I did it. I've answered you three or  
2 four times already.

3 Q. You did not ask for protective custody,  
4 did you?

5 A. I answered the question.

6 Q. Okay. Now, let me ask you some additional  
7 questions. Let's return to March of 2001. Can we  
8 see 591 again?

9 During the time period from 2008 to when  
10 this trial began, how many times were you served  
11 with a grand jury subpoena to provide testimony  
12 regarding your killing of Mr. Castillo?

13 A. How many times was I subpoenaed by a grand  
14 jury?

15 Q. Yes.

16 A. I don't know if ever.

17 Q. Okay. How many times between 2008 and the  
18 time of this trial were you called in to a  
19 prosecutor's office and told, "You know what,  
20 Jaramillo? You need to come clean about this."

21 How many times did that happen?

22 A. Are you asking me how many times I sat  
23 down with the prosecutors?

24 Q. How many times between 2008 and your  
25 meeting with Mr. Beck -- how many times between then

1 were you called in to a prosecutor's office and  
2 said, "Jaramillo, you're going to have to come clean  
3 about your killing of Pancho Castillo, because we've  
4 got to get to the bottom of this." How many times  
5 did that happen?

6 A. That was the only time that I had been  
7 called into a prosecutor's office.

8 Q. Was a few weeks ago?

9 A. Yes, sir.

10 Q. How many times were you offered immunity  
11 between 2008 and the beginning of this trial?

12 A. One time.

13 Q. And was that with Mr. Beck?

14 A. Yes, sir.

15 Q. That's the only time you've been offered  
16 immunity?

17 A. Yes.

18 Q. Mr. Jaramillo, did you know about the  
19 indictment?

20 A. Yes.

21 Q. How did you know about the indictment?

22 A. I saw it on the news.

23 Q. Did you follow up and see who had been  
24 charged with the killing that you did?

25 A. No.



1 Q. You didn't?

2 A. No.

3 Q. You didn't even bother to go read the  
4 indictment to see who it was that was accused of the  
5 murder that you did?

6 A. I never read any indictments until I was  
7 subpoenaed to court -- or for the prosecutor's  
8 office.

9 Q. When you got to the prosecutor's office  
10 whenever, a few weeks ago, April 18, that's the  
11 first time you read the indictment?

12 A. Well, I had been handed it a few days  
13 before and that was the first time I'd read it.

14 Q. Who handed it to you?

15 A. An FBI agent left it at my house.

16 Q. And do you know the name of that FBI  
17 agent?

18 A. I don't recall.

19 Q. Could it have been Bryan Acee?

20 A. No, it wasn't Bryan Acee.

21 Q. Could it have been Ms. Stemo? Could it  
22 have been Mr. Neale?

23 A. It could have. I don't know.

24 Q. So from the moment that you received the  
25 subpoena, you had a copy of the indictment; right?

1 A. Yes.

2 Q. So you knew who it was that the Government  
3 had selected as defendants in the murder that you  
4 committed?

5 A. I did.

6 Q. Did you say to yourself, "Boy, oh boy, did  
7 I catch a break"?

8 A. Actually, no. I kind of just thought that  
9 it was going to be a matter of time before they came  
10 around and arrested me.

11 Q. Have you thought that exact thought for  
12 the last 17 years?

13 A. Yes, sir.

14 Q. But you never came forward to cleanse your  
15 soul, I take it?

16 A. I never did.

17 Q. So you knew who had been indicted, you  
18 knew who the Government had selected as the  
19 defendants, you're thinking what a break, and you  
20 have this subpoena?

21 A. Wait. I just said I wasn't thinking what  
22 a break. I was thinking that they were coming for  
23 me eventually.

24 Q. But they hadn't gotten to you yet, and you  
25 certainly hadn't volunteered any information; right?

1 A. Yes.

2 Q. And then you had this conversation with  
3 Mr. Beck; correct?

4 A. Yes, sir.

5 Q. Didn't you get a lawyer, too?

6 A. I did.

7 Q. How did you get a lawyer?

8 A. A lawyer was provided by the U.S.  
9 Attorney, I guess.

10 Q. So when you were having this conversation,  
11 having read the indictment, the U.S. Attorney made  
12 sure you had a lawyer and the first thing out of  
13 everybody's mouth is: We're going to get you  
14 immunity? Is that pretty much it?

15 A. No, that's not actually the way that it  
16 was.

17 Q. Please tell us.

18 A. So the way that it went was, I was asked  
19 to come down and meet with Mr. Beck. I had my wife  
20 kind of look into, like, what the process entails as  
21 far as meeting with a federal prosecutor and stuff  
22 like that. Due to the line of questioning that I  
23 had received from FBI agents and stuff like that, I  
24 kind of felt like, you know, the heat was coming  
25 down on me and I needed a lawyer before I walk into

1 the federal prosecutor's office. That was how that  
2 worked out.

3 Q. Thank you. Tell us about the  
4 conversations you had with the FBI agents which led  
5 you to believe that heat was coming down on you.

6 A. Just the fact that they came to my house,  
7 they asked me if I knew anything about the murder,  
8 if I knew anything about the SNM. I said no, I  
9 didn't know anything about either one. And you  
10 know, they came back and they let me know that they  
11 did know I was in SNM and, you know, that they had  
12 this case going on and they wanted to talk to me as  
13 a potential witness.

14 Q. Mr. Jaramillo, are you talking about a  
15 conversation that accompanied the delivery of the  
16 subpoena, or are you talking about some other  
17 conversation?

18 A. So I had the two or three conversations  
19 with an FBI agent before the delivery of the  
20 subpoena.

21 Q. And when were those conversations?

22 A. Within a week or two before they delivered  
23 the subpoena.

24 Q. I see, because we don't have any of those  
25 reports, and so I didn't know about that. So before

1 the subpoena, you had two or three visits from FBI  
2 agents. And was it Mr. Neale?

3 A. I don't believe so. It was a lady.

4 Q. Was it Ms. Stemo?

5 A. No, her name was agent -- like a Spanish  
6 name.

7 Q. Maybe the person who delivered the  
8 subpoena, Lopez?

9 A. One of the meetings was with Agent Lopez,  
10 and I believe an STG officer from the prison was the  
11 very first meeting. The second meeting, Agent Lopez  
12 called and said that, you know, there are some  
13 follow-up questions, she needed to meet with me or  
14 whatever. I met with her and another female agent.  
15 I don't remember her name.

16 Q. So the first meeting, there was somebody  
17 from the New Mexico Corrections Department, STG;  
18 could it have been Chris Cupit?

19 A. I don't know.

20 Q. You don't remember the names. Okay. And  
21 that conversation apparently didn't go very far.  
22 And then there was a second one, and maybe even a  
23 third one before the subpoena was delivered?

24 A. I believe two in-person conversations and  
25 one on the phone.

1 Q. And then you're feeling the heat, and so  
2 the prosecutors get you a lawyer. And was it at  
3 that point that the conversation starts and the word  
4 "immunity" comes up?

5 A. No. So I had met with my lawyer. I had  
6 come in to meet with the prosecutor, Mr. Beck. And  
7 then had told me that there was going to be a  
8 lawyer -- they were trying to contact a lawyer to  
9 come in and talk to me and stuff like that. And  
10 then once I sat down with the lawyer, that's when we  
11 started talking about what actually happened.

12 Q. Okay. So did you have a conversation with  
13 Mr. Beck even before you had a conversation with the  
14 lawyer and Mr. Beck?

15 A. I met with him. We talked, just like, you  
16 know, introduced ourselves to one another, and then  
17 we didn't talk about anything as far as the case or  
18 anything like that until I got my lawyer.

19 Q. And then once you did have this immunity,  
20 that was the first time that you spoke substantively  
21 about your murder of Mr. Castillo?

22 A. Yes.

23 Q. All right. I want to go through some of  
24 the statements you've made. You have reviewed the  
25 FBI report on the meeting of April 18, have you?

1 A. I haven't.

2 Q. Okay. Did you review, by any chance, the  
3 FBI report on the meeting on April 20?

4 A. I didn't.

5 Q. All right. I'm going to ask you some  
6 questions anyway, and if you disagree with me, I'm  
7 going to bring it up to you. Okay?

8 A. Okay.

9 Q. You made a number of statements, general  
10 statements, in the beginning before transitioning  
11 into a discussion of the murder you committed, and  
12 you said that you hadn't -- I'll be more precise.  
13 "He believed he could get out of prison without  
14 actually earning his bones." Do you remember that?

15 A. Yes.

16 Q. But your beatdown on Minitres helped you  
17 earn your bones; right?

18 A. I don't believe so.

19 Q. But you did it. It was an LC; right?

20 A. Right.

21 Q. Okay. And then you said that you were  
22 incarcerated but PC'd, "which is why he was  
23 transferred." And we've talked about that. That's  
24 a bit imprecise, would you agree?

25 A. According to -- I feel like having

1 somebody from the outside call in and tell the  
2 prison -- that is the same thing as asking them  
3 directly. I feel like it's the same.

4 Q. Then you said, "Jaramillo was assaulted by  
5 Clark." And you PC'd after that. And we'll just  
6 have to -- hopefully the video is still there, and  
7 we'll come back to that. And you said that you  
8 PC'd, but we've now seen a record that shows that  
9 didn't happen, at least not from your lips. That's  
10 for sure; right?

11 A. Can you repeat that?

12 Q. You didn't personally request protective  
13 custody?

14 A. So I had -- you skipped a whole part when  
15 I was in Guadalupe County Correctional Facility. I  
16 feel like you must have done that intentionally,  
17 because you never talked about it.

18 Q. When you -- now we'll talk about the  
19 murder you committed. You said Lucero had the keys;  
20 right?

21 A. Yeah.

22 Q. And you said that Mr. Gallegos had heroin,  
23 but actually Pancho was a source of heroin, wasn't  
24 he?

25 A. I don't know. I mean yes.



1 Q. He had the ability to get heroin, didn't  
2 he?

3 A. Yeah, I believe so.

4 Q. Pardon?

5 A. I believe so.

6 Q. And you were told not to give a DNA test,  
7 but you gave DNA anyway; right?

8 A. Yes, sir.

9 Q. Has anyone ever told you that there were  
10 indications of your DNA on the murder weapon, the  
11 cord? Anybody ever told you that?

12 A. No.

13 Q. All the way back in 2001, indications of  
14 your DNA on the murder weapon. And then you took  
15 some heroin, right, that night?

16 A. Yes, sir.

17 Q. And that zoned you out; right?

18 A. It gets you high.

19 Q. And isn't that the night that you and  
20 Angel DeLeon went into Castillo's cell?

21 A. The night that we went into the cell?

22 Q. Yeah, when you got all high on heroin, you  
23 and DeLeon?

24 A. I mean --

25 Q. Then you said you wrapped the string

1 around his neck. But you didn't wrap the string,  
2 did you?

3 A. I mean, that's what I told the FBI agents,  
4 that I felt like I tied the laundry bag string  
5 around Pancho's neck. And on a follow-up meeting  
6 with them, I told them that I wasn't sure if it was  
7 the laundry bag string itself or the actual laundry  
8 bag itself.

9 Q. How did you remember to switch it from the  
10 string to the laundry bag, Mr. Jaramillo? How did  
11 you remember to do that?

12 A. I don't know if it was something that was  
13 mentioned in the interview. I don't know what made  
14 that thought come into my mind.

15 Q. Could it have been that Agent Sainato  
16 said: "How did Angel DeLeon's DNA get on there  
17 along with yours?" Didn't that happen?

18 A. Yes.

19 Q. And that's what refreshed your memory;  
20 right?

21 A. No. So he told me that, as we were doing  
22 our follow-up --

23 Q. He refreshed your memory?

24 A. No, that's not how he refreshed my  
25 memory --

1 Q. Well, Mr. Beck in it --

2 A. It was during the follow-up.

3 Q. Mr. Beck will get a chance to clean it up.

4 A. That was in our follow-up interview that  
5 he mentioned that, yeah.

6 Q. And to be sure, Mr. Troup -- he was not  
7 sitting on any table outside Pancho's door, was he?  
8 The only time you saw him, according to your  
9 testimony, was downstairs; correct?

10 A. In the morning time?

11 Q. Yes, sir.

12 A. Yes.

13 Q. Did you find out --

14 A. He was on the table downstairs.

15 Q. Did you find out that Mr. Lujan named you  
16 as the person who was assigned to go in and kill  
17 Pancho?

18 A. I was aware of that, yeah.

19 Q. When did you become aware of that?

20 A. Sometime during the FBI's questioning.

21 Q. Immediately prior to the subpoena?

22 A. So the FBI's question of me was over the  
23 course of about maybe 10 days or two weeks, and then  
24 I got a subpoena. So sometime in that two weeks.

25 Q. So let's say you were subpoenaed just

1 before the trial, beginning of May, end of April.

2 How many times did you meet with the FBI between

3 2007 and mid-April 2018? Zero?

4 A. Yeah, zero.

5 Q. Zero. And during the two or three

6 interviews that you had with the FBI and the STIU

7 before you came and met with Mr. Beck, they were

8 giving you the indictment and other information such

9 as: Lujan had put you in it; right?

10 A. I mean, I definitely found out that Lujan  
11 had drug my name into it, yeah.

12 MR. BURKE: That's all I have.

13 THE COURT: Thank you, Mr. Burke.

14 Mr. Sindel, do you have -- are you next?

15 MR. SINDEL: I do, Your Honor.

16 THE COURT: Mr. Sindel.

17 CROSS-EXAMINATION

18 BY MR. SINDEL:

19 Q. Good morning. I represent Joe Gallegos,  
20 who you have accused here in court, and I would like  
21 to ask you a number of questions. And there were  
22 some things that occurred to me as you were being  
23 questioned by Mr. Burke, and I'd like to either  
24 follow up or try to get some clarification. It was  
25 in 2006 that you and Mr. Clark had your altercation;

1 correct?

2 A. I believe so.

3 Q. And there was a whole lot of hearings and  
4 stuff like that that you go through whenever there  
5 is an altercation like that, or a violation?

6 A. Yes, sir.

7 Q. And keep your voice up a little bit.

8 A. Yes. I'm sorry.

9 Q. Because you did really good for him.

10 A. Okay. I'm sorry.

11 Q. You don't have to apologize yet. We'll  
12 get to that. But what I understood you were saying  
13 to Mr. Burke is that it never happened that you  
14 assaulted Tomas Clark?

15 A. So there was a fight between me and Tomas  
16 Clark.

17 Q. I meant --

18 A. I didn't start the fight, so I don't feel  
19 like I assaulted Tomas Clark.

20 Q. Well, did the fight occur when Mr. Clark  
21 was coming out of the shower?

22 A. I think he was down near the shower. I  
23 don't think he was coming out of the shower. I  
24 think that's where he was waiting for me.

25 Q. So was he --

1 A. Because the reason why I say that --

2 Q. Was he wearing clothes when you fought  
3 with him?

4 A. He was wearing, like, you know,  
5 extra-large boxers and a T-shirt, stuff like that,  
6 kind of like prison shorts, because you don't have  
7 normal clothes in prison.

8 Q. So he wasn't in the shower? Is that your  
9 testimony?

10 A. He was not in the shower.

11 Q. And I think you also testified that there  
12 was no video surveillance that was conducted as far  
13 as you knew; right?

14 A. No, that's not what I said.

15 Q. What did you say?

16 A. I said that I felt like that was an  
17 officer's interpretation of a silent video. It was  
18 his interpretation that I was the aggressor based on  
19 a silent video.

20 Q. You were aware, then, there was video  
21 surveillance; right?

22 A. Yeah, there's cameras out in pods.

23 Q. And that the camera that showed whether or  
24 not Mr. Clark was actually coming out of the shower  
25 after taking a shower -- you were aware that there

1 was at least a film; correct?

2 A. Yes, sir.

3 Q. And in fact, that was presented as part of  
4 the evidence against you, wasn't it?

5 A. I would imagine so.

6 Q. And when you imagine that, did you  
7 actually have an opportunity to view that video?

8 A. I have not.

9 Q. So when they used it at the hearing  
10 against you and you signed off on it, you hadn't  
11 viewed it?

12 A. I had not.

13 Q. Did you know that they used it as part of  
14 the hearing process?

15 A. I think that's what the cameras are in the  
16 pods for.

17 Q. Did you know that they used that as part  
18 of the hearing process to determine whether or not  
19 you should be moved into a Level 6 rather than a  
20 Level 4?

21 A. I would imagine so.

22 Q. I don't want you to imagine. Would it  
23 refresh your memory if I showed you the disciplinary  
24 officer's findings and recommendations?

25 A. I mean, you can show them to me if you

1 want.

2 Q. I want to.

3 A. I wasn't sure what you were trying to  
4 refresh my memory of, though.

5 THE COURT: Mr. Sindel.

6 MR. BECK: Let me see it.

7 MR. SINDEL: Okay.

8 BY MR. SINDEL:

9 Q. Do you recognize this as a disciplinary  
10 officer's findings and recommendations; is that  
11 correct?

12 A. Yes, sir.

13 Q. All right.

14 A. Yes, sir.

15 Q. Does it indicate there in the first  
16 sentence that video surveillance supports the body  
17 of the report?

18 A. Yes, it does.

19 Q. And does it have a place for you to sign  
20 it?

21 A. Yes, it does.

22 Q. And have you written there on that place  
23 for you to sign it?

24 A. Yes, I did.

25 Q. So you were certainly aware, were you not,



1 that the video surveillance supported the findings  
2 that you attacked Tomas Clark; correct?

3 A. As I stated, I believe that was an  
4 officer's interpretation of a silent video.

5 Q. So were there words that were spoken that  
6 would lead anyone who was looking at it to say,  
7 "Look, I don't believe my lying eyes"?

8 A. So I don't remember exactly what was  
9 spoken but I --

10 Q. If you don't remember what was spoken,  
11 then the video would be the best evidence of what  
12 occurred; correct?

13 A. Sure.

14 MR. SINDEL: May I approach, Your Honor?

15 THE COURT: You may.

16 MR. BECK: And Your Honor, I'm not sure  
17 what the purpose of approaching is.

18 THE COURT: What are we trying to do at  
19 this point?

20 MR. SINDEL: Refresh his recollection as  
21 to what's contained in the video.

22 MR. BECK: I think he's said he never  
23 watched the video.

24 THE WITNESS: I've never watched the  
25 video.

1 THE COURT: I'm not sure he can.

2 MR. SINDEL: Let me think about that for a  
3 second.

4 THE COURT: You can, but let's not show  
5 him the document yet.

6 MR. SINDEL: I won't.

7 BY MR. SINDEL:

8 Q. You said that it was someone's  
9 interpretation of the video; correct?

10 A. I mean, that's what I feel like that is,  
11 yeah.

12 Q. Have you ever reviewed any documents that  
13 contain the quote/unquote interpretation of the  
14 video?

15 A. Well, you just showed me one that I signed  
16 that said I had been found guilty based on the  
17 video. So documents as such, yes.

18 Q. Have you ever seen any document that with  
19 more particularity describes the circumstances that  
20 are depicted in the video?

21 A. I would assume that the original writeup  
22 probably described the circumstances in the video  
23 and I would assume that I saw that at some point  
24 during the disciplinary process.

25 Q. Do you remember what it is?

1 A. Not offhand, no.

2 Q. Would it refresh your recollection if I  
3 showed you that writeup? Would you read it to  
4 yourself?

5 A. Okay.

6 Q. And does that refresh your recollection of  
7 whether or not it was --

8 MR. BECK: Objection to hearsay, Your  
9 Honor.

10 THE COURT: Why don't you approach so I  
11 know what the question is going to be.

12 (The following proceedings were held at  
13 the bench.)

14 THE COURT: What is your question going to  
15 be.

16 MR. SINDEL: Whether or not Tomas Clark is  
17 walking out of the shower and whether or not he  
18 assaulted him with a closed fist.

19 MR. BECK: I think he can ask those two  
20 questions.

21 THE COURT: I think he can ask those two.  
22 I just didn't know what the reference was to the  
23 document.

24 (The following proceedings were held in  
25 open court.)

1 THE COURT: Mr. Sindel.

2 BY MR. SINDEL:

3 Q. You have reviewed the document and read  
4 the document that I presented you with; is that  
5 right?

6 A. Yes, I have.

7 Q. And does that refresh your recollection as  
8 to whether or not Tomas Clark was walking out of the  
9 shower at the time the altercation occurred?

10 A. I feel like Tomas Clark was waiting by the  
11 shower, waiting for me, because he knew I had to  
12 pass by there to go back into my cell.

13 Q. And does that refresh your recollection as  
14 to whether inmate Jaramillo, which is you, struck  
15 inmate Clark with his closed fist?

16 A. Yeah, we were in a fight, so, yeah, I  
17 struck him with my closed fist for sure.

18 Q. Would it be fair to say, at least from  
19 what you have reviewed and what you have signed off  
20 on, that the records that you agreed to and admitted  
21 to, was that you were the instigator?

22 A. No, I was not the instigator.

23 Q. I didn't say that. I asked you whether or  
24 not the records you signed off on, when you admitted  
25 that the report was true, indicated that you were

1 the instigator of the fight.

2 MR. BECK: Hearsay, Your Honor.

3 A. I don't remember.

4 THE COURT: Hold on. Sustained.

5 BY MR. SINDEL:

6 Q. Did you sign off on documents that contain  
7 descriptions of the incident?

8 MR. BECK: Objection to hearsay.

9 THE COURT: Overruled.

10 A. It appears to be my signature.

11 BY MR. SINDEL:

12 Q. Well, I mean, you said it was your  
13 signature. Are you now saying that the Department  
14 of Corrections went in there and forged that?

15 A. I didn't say that. You did. I said it  
16 appears to be my signature.

17 Q. It is your signature, isn't it?

18 A. It appears to be. Although I would  
19 mention that every document --

20 Q. There is no question.

21 A. Every document you showed me has a  
22 different signature on it.

23 THE COURT: Hold on, Mr. Jaramillo. Wait  
24 till there is a question. Don't do that. Wait till  
25 Mr. Sindel --

1 MR. SINDEL: Your Honor, I'd ask that the  
2 jury be instructed to strike that out.

3 THE COURT: I'll strike that testimony and  
4 tell the jury not consider it in its deliberations.

5 Mr. Sindel.

6 MR. SINDEL: Okay. Thank you.

7 BY MR. SINDEL:

8 Q. Now, I was trying -- I was thinking of  
9 something else when you were answering questions  
10 from Mr. Burke about the circumstances surrounding  
11 how all this stuff came to pass that you ended up in  
12 court perhaps on the last day of the Government's  
13 case. You were subpoenaed; is that right?

14 A. To this court date right here?

15 Q. Well, to a court date.

16 A. I was subpoenaed to at least interview.

17 Q. So who was it? Was it an FBI agent that  
18 left you a subpoena?

19 A. They didn't hand it to me personally, so I  
20 don't know. It was left at my house with another  
21 person that lives with me.

22 Q. All right. So that you came home and  
23 there was this person who lives with you. Is that  
24 your wife?

25 A. Yeah.

1 Q. You hesitated for a second.

2 A. Because I couldn't remember.

3 Q. Was that your wife?

4 A. My wife lives with me, and my stepson also  
5 lives with me. He's 22 years old.

6 Q. How old is your stepson?

7 A. 22.

8 Q. And which of the two did they leave the  
9 subpoena with; do you recall?

10 A. I believe they left it with my wife.

11 Q. And when was that that you -- that she  
12 told you that you'd been subpoenaed to appear in  
13 court?

14 A. As soon as I got home from work, on  
15 whichever day it was.

16 Q. Well, did you show up that first day that  
17 you were subpoenaed and ordered to come to court?

18 A. No, I didn't.

19 Q. Now, were you anticipating or expecting  
20 the subpoena prior to your wife telling you that you  
21 had received one?

22 A. I was anticipating it, yes.

23 Q. And did she call you somewhere to say,  
24 "Look, you know, they just came by and handed me a  
25 subpoena," or was it only when you got home?

1           A.     I think she waited until I got home from  
2 work.

3           Q.     The situation is that you had, prior to  
4 them serving your wife with the subpoena for you,  
5 talked to some people from STIU and some agents. I  
6 believe you said Lopez; is that correct?

7           A.     One of the agents was Lopez, yes.

8           Q.     When was that? I know you've been asked  
9 these questions, but I was fumbling around trying to  
10 find --

11          A.     I don't know what date they came to my  
12 house. It's been within the last, say -- before the  
13 beginning of the trial started.

14          Q.     Before the what?

15          A.     At the beginning, before the beginning of  
16 this trial started.

17          Q.     Do you know when the trial started?

18          A.     I don't know the exact date.

19          Q.     Do you know anywhere near the date?

20          A.     I'm guessing a month ago, or a month and a  
21 half ago.

22          Q.     So did they -- and when they came to your  
23 house, they didn't have a subpoena; right?

24          A.     No.

25          Q.     You didn't have a lawyer?



1 A. No.

2 Q. Did they come to your house in the  
3 morning, afternoon, evening?

4 A. Afternoon.

5 Q. And you were off work, I take it?

6 A. Yeah, I'd just gotten home, actually.

7 Q. All right. And so then the FBI agent and  
8 the STIU officer came into your house and asked you  
9 questions; right?

10 A. Yes, sir.

11 Q. Did they write down anything that you told  
12 them or answered their questions?

13 A. I think so.

14 Q. And were they -- did they ever ask at any  
15 time if they could tape-record anything that you  
16 told them?

17 A. No.

18 Q. Do you know whether or not they had  
19 recorders in order to record your words as they  
20 spoke to you?

21 A. I would assume so.

22 Q. And did they go into questions about your  
23 history there at the -- within the Department of  
24 Corrections for New Mexico?

25 A. I think, yeah.

1 Q. Did they talk to you mostly about the  
2 incident that you claimed happened on March 26 of  
3 2001?

4 A. Yeah.

5 Q. Would that be the primary focus? Who else  
6 was present beside these two people?

7 A. Them two and myself.

8 Q. And when they --

9 A. At the initial interview, with them two  
10 and myself.

11 Q. Did they give you any documents to sign?

12 A. No, they didn't.

13 Q. Did they advise you at any time of your  
14 rights?

15 A. I don't believe so.

16 Q. So would you say that you were sort of  
17 caught cold when they came in? I mean, you didn't  
18 anticipate them knocking on your door, did you?

19 A. I mean, I did anticipate them knocking on  
20 my door eventually, but I didn't know it was going  
21 to be that day.

22 Q. That's the reason you anticipated, because  
23 you were aware that this trial was going on;  
24 correct?

25 A. Yeah.

1 Q. And I also think that you said at one  
2 point in time that someone left the indictment at  
3 your house?

4 A. Yeah. I feel like there might have been a  
5 subpoena for me, more than an indictment for anybody  
6 else.

7 Q. Well, do you remember what it was that  
8 they left at your house? I mean, a subpoena is one  
9 piece of paper.

10 A. I feel like it was subpoenaing me to come  
11 and testify, ordering me to come to court, is what  
12 it was.

13 Q. And besides that, did you ever receive a  
14 copy of the indictment like you told Mr. Burke?

15 A. I don't know if that was an indictment or  
16 a subpoena. At the top it had the defendant's name,  
17 United States versus a defendant's name, and  
18 somewhere in there it said I had to come to court.

19 Q. Was it Angel DeLeon, the name?

20 A. Yes, sir.

21 Q. The guy who worked with you in terms of  
22 killing Castillo; correct?

23 A. Yes, sir.

24 Q. The guy whose DNA was on the drawstring  
25 along with yours that was used to kill Castillo;

1 correct?

2 A. I don't know whose DNA was on the  
3 drawstring.

4 Q. Well, you said that they told you -- the  
5 agents told you that there was an indication of your  
6 DNA on the drawstring and that there was DeLeon's  
7 DNA.

8 A. I actually told you that I was not ever  
9 aware of my DNA being indicated anywhere on any  
10 drawstring.

11 Q. I don't think you told me that until just  
12 this second.

13 A. I was never aware that my DNA was anywhere  
14 on the drawstring.

15 Q. Are you aware now?

16 A. I mean, you told me that, so --

17 Q. So how long do you think this interview  
18 lasted with these two people who came into your  
19 house without announcing --

20 A. The initial interview?

21 Q. Yeah.

22 A. Maybe between five and ten minutes.

23 Q. Five and ten minutes. What did you tell  
24 them in that five to ten minutes? Because we don't  
25 have a report on it, even though they were writing

1 notes.

2 A. I promised over and over that I was not  
3 part of the SNM, and I did not know anything about  
4 any murder. I spent about ten minutes saying that  
5 over and over.

6 Q. All right. And so then they eventually  
7 left after you denied any involvement; correct?

8 A. Yes, sir.

9 Q. And do you think that this was maybe six,  
10 seven weeks ago?

11 A. Give or take, yeah.

12 Q. Have they ever played for you an audio of  
13 what they may have recorded there in your home?

14 A. No.

15 Q. Have they ever showed you any notes or any  
16 reports that they prepared as a result of that  
17 interview?

18 A. No.

19 Q. If you -- well, let me rephrase that.  
20 Wouldn't you think that someone who was defending an  
21 individual who was charged with having committed the  
22 murder of Castillo -- they would want to know that  
23 you had denied any involvement?

24 A. Can you restate that question?

25 Q. That was a pretty bad question.

1 A. It's hard.

2 Q. Let me ask you this. Do you know what I  
3 mean when I say "exculpatory evidence"?

4 A. I don't.

5 Q. Well, if there was evidence that would  
6 tend to prove that you did not participate in the  
7 murder of Castillo, do you think that it would be  
8 something that might be important to a defendant who  
9 was charged with that murder? Makes common sense,  
10 doesn't it?

11 A. I still don't understand the question.

12 Q. Did either the FBI agent or Mr. Beck or  
13 anyone else tell you that they had an obligation to  
14 turn over things that might challenge your  
15 credibility?

16 A. No. Turn over things that challenge my  
17 credibility?

18 Q. Yeah. Like when you say it never  
19 happened, and then you say it did. Those are two  
20 diametrically opposed positions; right?

21 A. Yes, sir.

22 Q. 180 degrees; right?

23 A. I agree.

24 Q. And if the Government has an obligation to  
25 make sure that that information is available to the

1 defendants, that would have been something you told  
2 Agent Lopez and you told the STIU person when they  
3 first sat down, put their feet under your table, and  
4 talked to you; right?

5 A. I would assume that the Government would  
6 follow the rules of their own proceedings, yes.

7 Q. So would I.

8 Now, who was it that first told you that  
9 Lujan had named you particularly as a participant or  
10 someone he recruited to commit this murder?

11 A. One of the FBI agents during one of the  
12 interviews told me that.

13 Q. All right. So did they tell you that in  
14 the first interview?

15 A. No, I don't think so.

16 Q. So it would have been in a subsequent  
17 interview?

18 A. Yes, sir.

19 Q. We sort of have a general idea of the date  
20 of the first interview, a soft idea. You're doing  
21 the best you can, aren't you?

22 A. I am.

23 Q. All right. How much time passed before  
24 someone from the Government showed up at your house  
25 again and wanted to interview you?

1 A. Within a day or two.

2 Q. All right. So one day after you said,  
3 "Look, I don't have anything to tell you, go ahead,  
4 write it down there, make sure you give it to  
5 defense lawyers, but I don't have anything to say  
6 about what happened on March 26, 2001," they were  
7 there again, maybe within 24 hours?

8 A. I felt like it was within a day, maybe two  
9 or three days. Real close.

10 Q. It was close?

11 A. Yes.

12 Q. It was tight?

13 A. Yeah, it was tight.

14 Q. Like they were on you like a chicken on a  
15 bug, right? They wanted to ask you a lot of  
16 questions, didn't they?

17 A. I feel like they wanted me to answer some  
18 questions for them, yes.

19 Q. And they -- it didn't feel like they were  
20 going to let up until they got what they wanted.  
21 Would that be fair to say?

22 A. I feel like they were going to keep asking  
23 me questions until I answered that.

24 Q. Or got what they wanted. What they wanted  
25 was the answers you gave here in court; isn't that



1 true?

2 A. So during one of the phone interviews, I  
3 remember talking to Agent Acee and asking him, like,  
4 "What do you guys want from me, Dude?" I just  
5 wanted to live my life. And what he told me was, he  
6 wanted the truth.

7 Q. All right. So let's talk about the second  
8 interview. Was that the same agent and same STIU  
9 individual that came to talk to you the first time  
10 around?

11 A. Agent Lopez was there, but not the STIU  
12 guy. It was now, I believe, another FBI agent, I  
13 think.

14 Q. Was it a man or a woman?

15 A. It was a woman.

16 Q. Do you remember anything about what she  
17 looked like? Was she towering tall?

18 A. I don't think she was super tall, super  
19 anything out of the ordinary. Just seemed like an  
20 average-looking woman.

21 Q. You don't want to say that, now.

22 When they came to your house, did they  
23 give you a business card?

24 A. So the very first time that they came to  
25 my house, Agent Lopez wrote down her number on a

1 piece of paper for me.

2 Q. All right. And did anybody the second  
3 time leave with you a number or a business card or  
4 some way to contact them?

5 A. At some point they did. I don't know  
6 when, but at some point I got a business card.

7 Q. Well, did you keep that number or that  
8 business card?

9 A. Yeah.

10 Q. Do you still have them?

11 A. Yeah.

12 Q. At your house?

13 A. Yeah.

14 Q. Did you ever -- after they came the first  
15 time, did you call up Agent Lopez and ask to talk  
16 with her?

17 A. No.

18 Q. Did you call up and ask to talk with the  
19 STIU investigator?

20 A. No.

21 Q. So the next time Lopez shows up at your  
22 door, she's with another FBI agent; right? Do they  
23 tell you the first time, the second time, or any  
24 number of times that if you lie to an FBI agent,  
25 that's a crime?

1 A. No, they didn't tell me that.

2 Q. So the second time, is this before the  
3 phone interview with Agent Acee or afterwards?

4 A. So the second time that the agents came to  
5 my house, I wasn't home. I was at work.

6 Q. Okay. Let's just talk a little bit about  
7 that. Did they, as far as you know, talk to anyone  
8 at your house?

9 A. They made contact with my wife. They also  
10 made contact with one of my neighbors.

11 Q. All right. And was that the time that  
12 they left the paper that you referred to as a  
13 subpoena?

14 A. Yes.

15 Q. And was there ever any time that you  
16 received any other documentation concerning this  
17 case other than that subpoena?

18 A. The next piece of documentation that I can  
19 think is maybe the Kastigar letter that I received  
20 from the prosecutor.

21 Q. Mr. Beck?

22 A. Yeah.

23 Q. The gentleman who was questioning you  
24 here?

25 A. Yes, sir.

1 Q. Had anybody ever told you what the  
2 allegations were in the indictment?

3 A. I think the very first time they made  
4 contact, they told me they were there because the  
5 trial was starting for the murder of Frank Castillo.

6 Q. Did they tell you that was the only thing  
7 charged in the indictment, the murder of Frank  
8 Castillo?

9 A. No.

10 Q. Did they tell you what else was charged in  
11 the indictment?

12 A. I think they told me there was a RICO case  
13 going on.

14 Q. Do you know what it means when they say a  
15 RICO case?

16 A. I don't know exactly. I know it has to do  
17 with organized crime. I don't know exactly.

18 Q. Do you know what a VICAR count is?

19 A. No.

20 Q. Now, the second time that they came, they  
21 sat down -- or not the second time. They talked  
22 with your wife. When is the second time they  
23 actually talked with you?

24 A. I met the agents at a coffee shop near my  
25 house.

1 Q. So that was something -- they called and  
2 set that up; is that right?

3 A. No, they called and let me know that they  
4 needed to talk with me again. I expressed my  
5 concern with them coming to my house, because I  
6 didn't want my neighbors to know what I was going  
7 through and stuff like that. And they agreed that  
8 we could meet somewhere else. And that was the  
9 place that I came up with.

10 Q. So you suggested that we meet in a coffee  
11 place. Which -- did they -- the two agents then met  
12 with you at that point in time, did they tell you  
13 that they were going to tape-record your  
14 conversation?

15 A. No, I don't think so.

16 Q. Did they mention to you anything about  
17 trying to record your words as you spoke to them?

18 A. They didn't mention it. I didn't ask,  
19 because I just assumed that they were.

20 Q. Okay. Fair assumption. Did they take  
21 notes at any time during this?

22 A. Yes.

23 Q. Now, you haven't seen the notes from the  
24 first one; correct? You haven't seen reports or you  
25 haven't seen the tape transcripts or heard the tapes

1 from the first interview; right?

2 A. I haven't.

3 Q. And the second interview. Have you seen  
4 any of the transcripts or notes or reports or heard  
5 the tape that they may have made of you at that  
6 time?

7 A. I didn't.

8 Q. So what did you tell them the second time?

9 A. I told them the same thing, that I didn't  
10 know anything about it and didn't want anything to  
11 do with it.

12 Q. All right. And how long was this coffee  
13 conversation?

14 A. Maybe 20 minutes.

15 Q. All right. And the same questions I asked  
16 you about the first one. Since you were denying it,  
17 you would assume that the Government would make that  
18 denial known to the lawyers in the case who were  
19 defending the people who were charged under the  
20 indictment; correct?

21 A. I don't really know the procedures of the  
22 law. I just said that I assumed that the Government  
23 would go along with the procedures of the law.

24 Q. When you had -- before you had gone into  
25 the correctional facility, you had consulted with

1 lawyers in the past, had you not?

2 A. I did.

3 Q. And you also had -- you know what I mean  
4 when I say the word "discovery"?

5 A. I do. I understand what discovery is.

6 Q. And you understand at least that there are  
7 certain obligations on the part of parties to  
8 provide quote/unquote discovery or other materials  
9 that may relate to the criminal, the crimes that are  
10 charged?

11 A. I tried to understand the scope of the law  
12 as it pertained to my particular cases as I went  
13 through them. I'm not going to say that I  
14 understood it fully at any time.

15 Q. I'm not saying that I do, either.

16 A. All right. Well, you know, there it is.

17 Q. Well, but at least you had some perception  
18 that, you know, like for example, if the Government  
19 had a statement from a witness saying, you know, "I  
20 saw Michael Jaramillo. He was in Chicago when this  
21 was supposed to happen," that they needed to turn  
22 that over to you; correct?

23 A. I felt like in any cases that pertained to  
24 me, I always felt like those statements were  
25 included in my discovery.

1 Q. The second interview at the coffee shop  
2 basically goes down the same way as the first one;  
3 right?

4 A. Yes.

5 Q. There was then a third interview, I take  
6 it; right?

7 A. I think the third interview, what I would  
8 call a third interview, was done on the phone with  
9 Agent Acee.

10 Q. Is that the first time you'd ever talked  
11 with Agent Acee, as far as you know?

12 A. As far as I know.

13 Q. He identified himself on the phone?

14 A. Yes, I did.

15 Q. Bro Acee, or Agent Acee?

16 A. I believe he identified himself as Agent  
17 Acee. I think he gave me his first name as well.

18 Q. Okay. And did he at that point in time  
19 interview you concerning what you may know about the  
20 March 25, March 26 incident involving Mr. Castillo?

21 A. Yes.

22 Q. And let me ask you this. What did he say?  
23 "Here I am. My name is Bryan Acee. I'm with the  
24 FBI." Then what does he go on to say?

25 A. He went on to ask me if I was in the SNM,



1 if I knew anything about the Frank Castillo murder,  
2 if I knew anything about the SNM, period.

3 Q. Those were the same questions that you had  
4 been asked by Agent Lopez at least twice before;  
5 correct?

6 A. Yes.

7 Q. And what did you tell Agent Acee in this  
8 phone interview?

9 A. Told him the same thing, that I didn't  
10 know anything about it.

11 Q. And do you know --

12 THE COURT: Mr. Sindel, why don't we talk  
13 to the jury a little bit about what they want to do  
14 about lunch.

15 MR. SINDEL: Sure.

16 THE COURT: It's kind of normal time. Do  
17 you want to take lunch now? Or do you want to do  
18 something very late? Do you want to take lunch now?  
19 Looks like we're going to take a late lunch.

20 So why don't we be in recess for about 15  
21 minutes and come back in and work through the lunch  
22 hour.

23 All rise.

24 (The jury left the courtroom.)

25 THE COURT: All right. We'll be in recess

1 for about 15 minutes.

2 (The Court stood in recess.)

3 THE COURT: So Document 2206 -- we were  
4 having a lengthy discussion and we realized we  
5 didn't have a court reporter in here.

6 Document 2206, May 4, 2018, was a chart  
7 draft table relating to Mr. Jaramillo. And counsel  
8 indicated they hadn't received it. Now Mr. Sindel  
9 is asking if there are any more 302s, anything that  
10 needs to be produced as to this witness. Mr. Beck?  
11 Any thoughts?

12 MR. BECK: I guess there are not -- I had  
13 discussions on that there's not 302s for those  
14 events. We'll try to track down the agent's notes,  
15 if they have them. And there is a timeline that  
16 Special Agent Acee created recently, that we'll  
17 disclose now, given that there aren't 302s, I think.  
18 So --

19 THE COURT: You're going to shoot that on  
20 email?

21 MR. BECK: I think we'll shoot it on the  
22 email, and if we have a copy here in court, we can  
23 make copies for everyone, given that there is no --

24 THE COURT: Well, right at the moment you  
25 don't know of any notes or 302s that need to be

1 produced?

2 MR. BECK: I don't. If there are -- I  
3 mean, if there are notes, I think they would need to  
4 be produced. I agree with Mr. Sindel.

5 THE COURT: All right. All rise.

6 (The jury entered the courtroom.)

7 THE COURT: All right. Mr. Jaramillo,  
8 I'll remind that you're still under oath.

9 Mr. Sindel, if you wish to continue your  
10 cross-examination of Mr. Jaramillo, you may do so at  
11 this time.

12 MR. SINDEL: Thank you.

13 THE COURT: Mr. Sindel.

14 BY MR. SINDEL:

15 Q. During the break, where did you go?

16 A. I went outside and had a cigarette.

17 Q. All right. And were you ever in the  
18 little room here in the back, just outside the  
19 hall -- courtroom?

20 A. Yes.

21 Q. Who else was in there at the time that you  
22 were there?

23 A. This morning, there was me and my wife.

24 Q. I'm talking about during the break.

25 A. During the break I didn't go in there.

1 Q. You stayed out and had a cigarette on the  
2 balcony there?

3 A. Well, actually, outside in the front of  
4 the courthouse.

5 Q. Okay. Now, you got out of prison in 2007.  
6 Do you remember when?

7 A. I believe around Thanksgiving time.

8 Q. So around November of 2007, fair to say?

9 A. Yes, sir.

10 Q. Okay. Did you have any kind of parole  
11 that you had to report to or any conditions that  
12 were placed on you after you got out in 2007?

13 A. Yes, sir.

14 Q. Do you remember, when you're on parole,  
15 you have to report to a parole officer and they --  
16 you know, they can do urine drops, they can make  
17 sure you're living where you say you're living, all  
18 that kind of stuff; right?

19 A. Yes, sir.

20 Q. And they can, if they want to, keep fairly  
21 close tabs on you?

22 A. Yes, sir.

23 Q. How long were you under the supervision of  
24 a parole officer?

25 A. Five years.

1 Q. Okay. So it would have been the fact that  
2 you would have been on active parole until November  
3 2012 approximately?

4 A. Give or take, yeah.

5 Q. All right. I want to go back to this  
6 interview, the Acee interview. How long did that  
7 last, approximately?

8 A. Approximately 15 minutes.

9 Q. Okay. And in terms of timeframe, how soon  
10 did Agent Acee call you on the phone when measured  
11 against when you had the second coffee-shop  
12 interview?

13 A. I think I talked to him, if I'm not  
14 mistaken, the next day.

15 Q. All right. And would you say -- was it  
16 during the day or was it during the evening or what?

17 A. Late afternoon.

18 Q. Were you aware whether or not this trial  
19 had commenced at the time that he was talking to  
20 you?

21 A. I think it had.

22 Q. Okay. And I think you said you read a  
23 little blurb in the paper or something at one point  
24 in time?

25 A. I saw it on the news.

1 Q. Saw it on the television news. And then  
2 at that third interview, what you continued to say,  
3 "I don't know anything about it, I don't want to get  
4 involved, leave me alone"?

5 A. Yes, sir.

6 Q. And when was the fourth interview, when  
7 they took to heart what you told them?

8 A. A couple weeks ago.

9 Q. A couple of weeks ago. That would have  
10 been towards the end of April; right?

11 A. Probably late, mid-April, yeah.

12 Q. All right. Was that the interview that  
13 Mr. Beck referred to? Was he present for this  
14 fourth interview, or was there somebody else who was  
15 focusing in on you?

16 A. So the time that I interviewed with  
17 Mr. Beck, there was also another agent in the room.

18 Q. Okay. But I want to -- we got the phone  
19 call from Agent Acee. When is the next time -- you  
20 said it was couple weeks later?

21 A. Give or take, around ten days later. I  
22 came down to Las Cruces and interviewed with  
23 Mr. Beck and another agent and my lawyer.

24 Q. And your lawyer. Okay. So we have a  
25 report -- finally we got one. We have a report

1 dated April 18. Would that be consistent with what  
2 you think -- maybe the timeframe when this happened?

3 A. Yes.

4 Q. Do you remember who the agent was that was  
5 present with Mr. Beck?

6 A. I remember his name was Joseph.

7 Q. Sainato?

8 A. Yeah, maybe.

9 Q. And I may have mispronounced it. But so a  
10 phone call from Acee, nothing happened. All of a  
11 sudden, you're called down to come down to the  
12 courthouse, the headquarters. Where did you go?

13 A. I came down here.

14 Q. When you say "here," where is "here"?

15 A. This office, this building.

16 Q. You came into the courthouse here?

17 A. Yes, sir.

18 Q. And where was this interview conducted; do  
19 you remember?

20 A. Downstairs in an office area.

21 Q. Okay. On the first floor?

22 A. Yes, sir.

23 Q. Was anyone else present with you at the  
24 time that you were being interviewed by Mr. Beck?

25 A. My lawyer.

1 Q. Now, how did -- what -- how did this  
2 lawyer come into the picture? Who was the one who  
3 got you the lawyer?

4 A. So I believe that the federal government  
5 got me a lawyer.

6 Q. So the Government got you a lawyer to come  
7 in and give you advice; right?

8 A. Yes.

9 Q. Now, between the time you talked to  
10 Acee -- who was it you talked to that told you,  
11 "Don't worry; we're going to get you a lawyer"?

12 A. Well, nobody ever told me not to worry.  
13 It was the day that I came in to talk to Mr. Beck,  
14 because of the subpoena that I had gotten, right  
15 when we sat down, he just told me that he was trying  
16 to contact a lawyer for me. And so I left for a  
17 little while until a lawyer was reached.

18 Q. And so it was Mr. Beck who says, "Don't  
19 worry; I'm going to get you a lawyer that you can  
20 talk to"; correct?

21 A. He told me he was going to get a lawyer  
22 for me to talk to, yeah.

23 Q. Now, when you got that lawyer, at that  
24 point in time, did you have an opportunity to review  
25 the indictment?



1 A. I believe I had it with me.

2 Q. Now, when I say "indictment," that's  
3 like -- it's a 40-page document?

4 A. I've never reviewed an indictment, and  
5 that's not what I'm talking about. I'm talking  
6 about the paper that got me down here, subpoena,  
7 whatever that is. That's all I've ever seen.

8 Q. All you've ever seen. Is there anybody  
9 that has ever reviewed with you the contents of the  
10 indictment?

11 A. I believe during the interview we were  
12 looking at like some of this stuff where I was  
13 talking about where I was at and what prisons and  
14 stuff like that. I don't know if that's part of the  
15 indictment. As far as I know, I didn't ever see any  
16 part of any indictment.

17 Q. All right. Then did you ever see anything  
18 that listed any of the charges that were leveled  
19 against the men sitting in this courtroom here  
20 today?

21 A. I believe that original subpoena had a  
22 couple of charges on it or something like that,  
23 but --

24 Q. That was one page.

25 A. That was one page, yeah, and that's all

1 I've ever reviewed.

2 Q. Okay. Now, to your knowledge, did your  
3 lawyer have any discovery? You know what that is;  
4 right?

5 A. Right.

6 Q. Any discovery in connection with this  
7 case?

8 A. Not to my knowledge.

9 Q. To your knowledge, did your lawyer know of  
10 any particular facts involved in this case?

11 A. Not to my knowledge.

12 Q. To your knowledge, had Mr. Beck or any  
13 agents told him that Lujan had pointed the finger at  
14 you?

15 A. Not to my knowledge.

16 Q. So the only person who knew that was the  
17 FBI agent who conveyed that information to you  
18 during one of these interviews; right?

19 A. Yes, sir.

20 Q. Was that Acee?

21 A. I don't think so.

22 Q. How much time did you have to consult with  
23 a lawyer before coming down here and being  
24 interviewed by Mr. Beck?

25 A. I actually met the lawyer here.

1 Q. All right. So you met him here at this  
2 building; correct?

3 A. Yes, sir.

4 Q. And is that the first time you ever met  
5 him, know his name, or anything about him?

6 A. Yes, sir.

7 Q. Do you know anything about his  
8 background --

9 A. I don't.

10 Q. -- in the law?

11 A. I don't.

12 Q. He certainly -- I don't mean this as a  
13 criticism, but he wasn't a lawyer you chose, was he?

14 A. I didn't. There was not a list of lawyers  
15 that I picked up from him.

16 Q. But I mean, the choice was Mr. Beck's, as  
17 far as you know; correct?

18 A. As far as I know.

19 Q. And when you met with a lawyer here before  
20 walking into that office, that crucible of an  
21 office, did you have -- how much -- let me ask you  
22 this. How much time did you have to talk to the  
23 lawyer before you walked in?

24 A. I guess since the first time FBI agents  
25 contacted me, I could have called a lawyer, I guess.

1 Q. I'm not asking that, sir. I understand  
2 that. But sometimes you're not in a financial  
3 situation to do that; right?

4 A. Yes.

5 Q. So what I'm saying to you, is the lawyer  
6 that Mr. Beck got you -- how much time did you have  
7 before actually sitting down with Mr. Beck, Agent  
8 Acee, and whoever else was in this room?

9 A. I wasn't given a time limit, you know, to  
10 make any statements or anything like that. I was  
11 just told that that was my lawyer and I could talk  
12 to him to find out what was the best thing for me to  
13 do. I would say we talked for about 20 minutes.  
14 About 20 minutes before, we decided that we were  
15 going to do the interview. And then from there, we  
16 took a lunch break, went to lunch, and then when we  
17 came back from lunch, we did the interview.

18 Q. So there was about a 20-minute  
19 conversation, and I'm assuming that you reviewed the  
20 Kastigar letter with him; is that correct?

21 A. Yes, sir.

22 Q. Now, I noticed that when you were asked  
23 questions by Mr. Beck, he sort of said, "Well, what  
24 was it that made you decide to come forward?" I  
25 can't remember exactly how he worded it, but do you

1 remember that question?

2 A. Yes.

3 Q. And I think you said, "Mostly because you  
4 offered me immunity"; right?

5 A. Yes, sir.

6 Q. Fair to say, isn't it?

7 A. Fair to say that's the reason why I came  
8 forward.

9 Q. Is it fair to say that that's important?

10 A. I mean, it's fair to say that that's the  
11 reason why I came forward, yes.

12 Q. So it's fair to say both not only that's  
13 important, but that's the reason you decided to come  
14 down here and answer questions from Mr. Beck; that,  
15 and your consultation with your attorney; correct?

16 A. Yes.

17 Q. And when you say "immunity," do you  
18 understand -- or as you sit there right now, do you  
19 believe that that means you're immune from any  
20 prosecution as a result of your statements?

21 A. I'm not 100% sure on that. I don't  
22 understand the whole legal that much.

23 Q. Would it be fair to say that besides maybe  
24 getting married and maybe having a child, that could  
25 be the most important decision of your life?

1 A. Yeah.

2 Q. Because you know, they made it clear to  
3 you that the punishment if you go down and get  
4 encircled with that indictment is life in prison;  
5 right?

6 A. Nobody told me that, but I kind of assumed  
7 that from the beginning, yeah.

8 Q. And so that's kind of a deep-breath,  
9 make-sure-you-know-what's-going-on decision; right?

10 A. Right.

11 Q. And this letter that you would talk about  
12 and this immunity that you talk about -- you talk  
13 about a Kastigar letter; correct?

14 A. Yes, sir.

15 MR. SINDEL: May I approach, Your Honor?

16 THE COURT: You may.

17 BY MR. SINDEL:

18 Q. That document -- does that indicate in the  
19 body of that document, if you look at paragraph 2,  
20 there is a word underlined and it says "Kastigar"?

21 A. Yes, sir.

22 Q. Is that the Kastigar document you're  
23 referring to?

24 A. Yes, sir.

25 Q. And is that two pages long?

1 A. Yes, sir.

2 Q. And did you sign that document like you  
3 signed the other records we talked about?

4 A. I signed this document, yes.

5 Q. I want you to keep that. I want to ask  
6 you a few questions about it. Okay? Does it there  
7 say anything about immunity?

8 MR. BECK: Your Honor, I was just going to  
9 say, I don't know if he wants to move it into  
10 evidence.

11 THE COURT: Do you wish to, Mr. Sindel?

12 MR. SINDEL: Your Honor, I believe it  
13 would be my choice, not theirs, so at this point,  
14 no.

15 THE COURT: All right. Mr. Sindel.

16 MR. SINDEL: And I would ask that if the  
17 Government wants to talk about introducing something  
18 in evidence, that they approach the bench rather  
19 than say it in open court.

20 BY MR. SINDEL:

21 Q. Do you see anything, let's say in that  
22 first paragraph, that uses the word immunity?

23 A. In the first paragraph?

24 Q. Yes, sir.

25 A. No, sir, I don't see the word "immunity"

1 in there.

2 Q. All right. And if I told you that that  
3 word is never ever used in this document, will you  
4 have any reason to not believe me?

5 A. No.

6 Q. Now, someone obviously either left you  
7 with the belief or told you that you were being  
8 given immunity; right?

9 A. I feel like I probably just felt like  
10 that. I don't think anybody told me that. I think  
11 I just kind of like researched what a Kastigar was  
12 online and kind of came to the conclusion that  
13 that's what it was on my own.

14 Q. Okay. Well, then, when you went online to  
15 look at a Kastigar, what did they tell you online  
16 about what Kastigar was?

17 A. I did it -- I don't remember word for  
18 word, but basically what I was able to come up with  
19 from online was that if you came in and cooperated  
20 with the Government and were honest and were  
21 forthcoming, then you wouldn't be charged in the  
22 crime.

23 Q. But if you look at that, it doesn't say  
24 anything in there about being charged, does it?

25 A. No, it doesn't.



1 Q. And when you -- did you look up Kastigar  
2 after you talked with Agent Acee and before you came  
3 down here, or did you look it up after you came down  
4 here?

5 A. After I came down here.

6 Q. So would it be fair to say at least when  
7 you walked into that room that you didn't really  
8 know what you were getting into in terms of what a  
9 Kastigar hearing was or a Kastigar letter was;  
10 correct?

11 A. I had no idea.

12 Q. Would it be fair to say when you left  
13 after signing this, you were still confused enough  
14 to go online to try and figure out what the heck you  
15 had done?

16 A. So I looked online between the time that I  
17 met with Mr. Beck and while we were waiting to meet  
18 with the lawyer.

19 Q. I guess I'm confused. Did you meet with  
20 Mr. Beck, then, before you met the lawyer?

21 A. Yeah. I walked into his office and he  
22 told me that before we could interview, he was going  
23 to contact a lawyer for me.

24 Q. And is that when he first brought up the  
25 Kastigar letter?

1 A. Yes, sir.

2 Q. Did he show you the Kastigar letter before  
3 you had an opportunity to talk with your lawyer?

4 A. I don't remember if he did or not.

5 Q. Did he discuss with you the terms of the  
6 Kastigar letter at all prior to being -- prior to  
7 when he provided you with a lawyer?

8 A. The way I remember is, he wouldn't discuss  
9 anything with me before I sat down with the lawyer.

10 Q. Now, in that paragraph 2, right around the  
11 middle, it says there, "The Government may, however,  
12 make derivative use of and may pursue any  
13 investigative leads suggested by any statements  
14 made." Do you see that sentence there?

15 A. Yes, sir.

16 Q. Do you know what "derivative use" is?

17 A. I do not.

18 Q. No one explained that to you?

19 A. No, sir.

20 Q. And when it says, "They may pursue any  
21 investigative leads," do you know what that means?

22 A. I thought it meant that they could pursue  
23 any leads based on the information that I gave.

24 Q. So that means that they can pursue it.  
25 Did that also mean to you that they could prosecute

1 you if they pursued it?

2 A. Okay.

3 Q. Is that what it smells like to you?

4 A. I mean, when you frame it up that way,  
5 it's starting to.

6 Q. That's obviously pretty scary, isn't it?

7 A. This whole process has been pretty scary,  
8 yeah.

9 Q. There is -- if you look at paragraph 3,  
10 there is a reference towards the bottom there, Rule  
11 410 of the Federal Rules of Evidence. Do you have  
12 any clue what that is?

13 A. I do not.

14 Q. There is also a reference to Rule 11 of  
15 the Federal Rules of Criminal Procedure. Do you  
16 have any idea what that is?

17 A. I do not.

18 Q. Did anyone explain those two things to you  
19 before you put your signature on this and walked  
20 into this courtroom?

21 A. No.

22 Q. And there is a case cited there. Do you  
23 see that, United States versus Mezinado?

24 A. I do.

25 Q. Do you have any clue what that says?

1 A. I do not.

2 Q. And in paragraph 4, if you look at the  
3 third line down, it talks about information being  
4 disclosed to the sentencing court. Do you see that?  
5 I'm not trying to rush you. If I said paragraph 3,  
6 I'm wrong. It's paragraph 4. I'm sorry.

7 A. Okay.

8 Q. The paragraph starts off with a reference  
9 to USSG. That's a section sign. That's what we  
10 call it. 1B1.8. Do you see that?

11 A. Yes, sir.

12 Q. Do you have any idea what that means?

13 A. No, sir.

14 Q. Do you have any idea what that section is?

15 A. I don't.

16 Q. Did anyone sit down with you and explain  
17 to you what was going on with this letter and what  
18 it meant in reality?

19 A. Not paragraph by paragraph like that.

20 Q. Well, do you feel now that there's a lot  
21 of things in that letter you have no idea what they  
22 mean?

23 A. Yes, sir.

24 Q. And it talks about, at the third line  
25 down, you see it says "Disclosed to the sentencing

1 court." Do you see that line?

2 A. Yes, sir.

3 Q. You don't think there's going to be a  
4 sentencing court, do you?

5 A. I don't know.

6 Q. Well, you understood from the promises  
7 that if you got immunity, there wouldn't be a  
8 sentence; right?

9 A. I didn't believe so.

10 Q. But that says -- talks about disclosing to  
11 the sentencing court; right?

12 A. Yes, sir.

13 Q. Again, kind of scary?

14 A. Like I said, again, this whole process has  
15 been very scary.

16 Q. And then if you look on the second page,  
17 paragraph 5, three lines from the bottom of that  
18 paragraph, do you see where it says the United  
19 States will assess the credibility and value of the  
20 information your client has provided; is that right?

21 A. Yes, sir.

22 Q. And you are -- do you -- after reading  
23 that, you're aware that it is completely up to these  
24 guys over here to determine what value is to be  
25 given to your testimony; correct?

1 A. Yes, sir.

2 Q. And then finally at the last line in that  
3 same paragraph, paragraph 5, it talks about  
4 consideration; that it's appropriate in exchange for  
5 your client's cooperation. Do you see that?

6 A. Yes, sir.

7 Q. Do you understand, again, that it's  
8 completely up to them to judge how you perform here  
9 today; correct?

10 A. It sounds like it, yeah.

11 Q. Feels like it, too, doesn't it?

12 A. Yeah.

13 Q. If you don't trust me, tell me right now.

14 A. I don't even know you to trust you. But I  
15 mean, I'm reading this along with you, and it's  
16 feeling a little awkward, yeah.

17 Q. Would it be fair to say that this is the  
18 first time that you went through this document with  
19 any kind of care or particularity?

20 A. It's definitely the first time that it's  
21 been dissected like that for me.

22 Q. And if you look at paragraph 7, that says  
23 the United States Attorney's Office for the District  
24 of New Mexico; right?

25 A. Yes, sir.

1 Q. And that tells you right there that this  
2 agreement doesn't bind any other federal, state or  
3 local agencies or prosecuting authorities; right?

4 A. Yes, sir.

5 Q. And who took the time to explain that to  
6 you?

7 A. So when the letter was presented to me, I  
8 asked my attorney, and that still left open  
9 prosecution on the state level, and he told me that  
10 it did.

11 Q. Does it say that in the document?

12 A. Yeah.

13 Q. It says that you can't be prosecuted at  
14 the state level?

15 A. I said that he told me that I would still  
16 be left open to the state level.

17 Q. Okay. Now, you also, I think, had said  
18 that the defense investigators who were working for  
19 the defendants had tried to interview you back a  
20 while back; right? I think you said a year, year  
21 and a half ago, or something like that?

22 A. Yes, sir.

23 Q. And you told them: "I didn't know  
24 anything; I don't have anything to say; and I don't  
25 want to get involved"; right?

1 A. Yes, sir.

2 Q. And they didn't offer you any kind of  
3 money to get involved, did they?

4 A. No, sir.

5 Q. They didn't offer you a car or a house or  
6 a new identity, did they?

7 A. No, sir.

8 Q. They just basically said just, "Tell us  
9 the truth if you would"; right?

10 A. Yes, sir.

11 Q. And you did the same thing you did in the  
12 three interviews with the FBI: "I don't know  
13 nothing, I don't have nothing to say"; right?

14 A. Yes, sir.

15 Q. And as far as you knew, the defense  
16 investigator or the defendants never could offer you  
17 immunity from anything?

18 A. Not that I know of.

19 Q. Now, I want to ask you a couple of  
20 questions about your testimony here, about some of  
21 the things that occurred on or around March of 26 of  
22 2001. Each time that you got out of prison, you  
23 were on parole; right?

24 A. Yes, sir.

25 Q. And except for this last time, each time



1 you had to return; right?

2 A. Yes, sir.

3 Q. And sometimes you had to return because  
4 you had committed other crimes?

5 A. Yes, sir.

6 Q. And were convicted of other crimes; right?

7 A. Yes, sir.

8 Q. So despite the fact that you felt like  
9 this was a pretty awful place to be, you kept going  
10 back; right?

11 A. Yes, sir.

12 Q. And I think you also said that you  
13 initially went to the SNM for the purposes of  
14 securing protection and safety?

15 A. Yes, sir.

16 Q. And you felt like they could offer you  
17 that because there was a group sense to the  
18 organization?

19 A. Yes.

20 Q. Concerning the events that happened on  
21 March 26, 2001, did you ever see -- well, let me  
22 rephrase that, I'm sorry. Do you know Lorenzo or  
23 Lawrence Torrez?

24 A. Yes.

25 Q. Was he also living in the pod in March of

1 2001?

2 A. Yes.

3 Q. Did you see Lorenzo Torres on the morning  
4 of March 26, 2001?

5 A. Probably. We were in the same pod  
6 together. I would assume so.

7 Q. Did you see him that morning when you came  
8 out of Mr. Castillo's cell?

9 A. No.

10 Q. The only person you described seeing was  
11 Mr. Troup; right?

12 A. Yes, sir.

13 Q. And did you see Mr. Torres down by the  
14 microwaves or at the head of the stairs or anywhere  
15 else in connection with what occurred that morning?

16 A. I did not.

17 Q. Did you ever have a conversation with  
18 Mr. Lawrence Torres about anything that occurred  
19 either on the night of March 25 or the morning of  
20 March 26?

21 A. No, I didn't.

22 Q. Did you ever have a conversation with  
23 Leroy Lucero prior to going in with Mr. DeLeon into  
24 Castillo's cell in March of 2001?

25 A. No, I didn't.

1 Q. Did you ever have a conversation with  
2 Mr. Bill Garcia prior to going into that cell in  
3 March of 2001 with Mr. DeLeon?

4 A. I don't believe so.

5 Q. You said he took heroin; right?

6 A. Yes, sir.

7 Q. Mr. Castillo. Was that in a syringe?

8 A. Yes.

9 Q. Was it a full shot, as far as you could  
10 tell?

11 A. I don't know. I don't know what you would  
12 consider a full shot of heroin.

13 Q. I don't know what it is either.

14 A. I don't either.

15 Q. Have you ever shot heroin?

16 A. I have.

17 Q. Have you ever watched people shoot it?

18 A. I have.

19 Q. Have you ever seen them as they prepare  
20 the works? You know what I mean by "the works";  
21 right?

22 A. Prepare the heroin for injection.

23 Q. They melt it over a flame or something,  
24 and then they basically draw it into the syringe; is  
25 that right?

1 A. Yeah.

2 Q. And is that the process you watched  
3 Mr. Castillo go through prior to putting the string  
4 or the laundry bag around his neck?

5 A. Well, him preparing the heroin or not was  
6 kind of blocked from my view. I don't know. I  
7 mean, I know he shot up the shot of heroin. I don't  
8 know if he melted it and whatever.

9 Q. But you would assume that he would have?

10 A. I assume you would have to in order to do  
11 it.

12 Q. Now, the food port that's on those cell  
13 doors -- that's a flap that kind of opens up and  
14 down; is that right?

15 A. Yes, sir.

16 Q. I'm going to show you what's previously  
17 been marked as Government's Exhibit 200. Does that  
18 photograph depict what most cells look like; is that  
19 right?

20 A. Yes, sir.

21 Q. That would be a typical door of a cell;  
22 right?

23 A. Yes, sir.

24 Q. And the food port is located in this area  
25 here?

1 A. Yes, sir.

2 Q. During this night when you were waiting  
3 for morning to come, did you put up any sort of sign  
4 on your door saying, "I need to talk to a CO," or,  
5 "Help," or, "Can someone talk to me?"

6 A. No, I didn't.

7 Q. And you know about count?

8 A. Correct.

9 Q. In prison; right?

10 A. I do.

11 Q. Every day there is a count; right?

12 A. There is supposed to be a count, yeah.  
13 It's not always done, though.

14 Q. Do they count basically throughout the  
15 night?

16 A. I think they're supposed to count on a  
17 15-minute schedule or something like that.

18 Q. Would it be maybe one hour?

19 A. Maybe. I don't know exactly what the  
20 rotation is. But I know they have a schedule.

21 Q. All right. Do you know -- when I say the  
22 word "rover," do you know what a rover is?

23 A. No.

24 Q. Do you know what they call the person who  
25 actually walks around and checks on the cells and

1 looks into the cells during the day and throughout  
2 the night?

3 A. A rover maybe, if that's where you're  
4 going.

5 Q. You win. So that's somebody who is  
6 obligated by their duties to check on the various --  
7 the well-being and whether or not people are in  
8 their cells; right?

9 A. Okay.

10 Q. Right.

11 A. I guess. I don't know what a rover is. I  
12 just told you that.

13 Q. The standing count, you actually have to  
14 stand by your bed; isn't that true?

15 A. Yes, sir.

16 Q. So there's counts when you're not  
17 basically doing anything; you may be reading a book  
18 or whatever. But there are also counts that occur  
19 when you actually have to respond, stand at your  
20 bed, and they do what they call a standing count?

21 A. I don't know if that's procedure, but  
22 that's not something that's ever practiced in  
23 prison, a standing count.

24 Q. Do you mean to tell me that there is never  
25 a standing count at the time you were in prison?

1           A.     There may have been one or two times, you  
2 know, when a guard actually does the standing count,  
3 mostly at the minimum security housing units,  
4 because you're not locked in a cell. But normally,  
5 they would just look in there, see if you're in  
6 there. They wouldn't really ask you to stand up and  
7 stuff like that. When they really started to  
8 enforce that, it seems like, was after Frank  
9 Castillo and Rolando Garza had gotten killed, they  
10 started enforcing a standing count.

11           Q.     Did you ever actually receive a write-up  
12 because you didn't stand up for a count?

13           A.     I mean, it sounds accurate. I didn't  
14 always follow the rules inside the prison.

15           Q.     If you were laying in bed and they said,  
16 "You need to stand up," and you said, "I'm taking a  
17 nap," do you remember that?

18           A.     Okay.

19           Q.     So they were at least doing a standing  
20 count on that day; right?

21           A.     At least on that day.

22           Q.     Did you ever try to slide any kind of note  
23 or any -- either through the food port or underneath  
24 the door to any correctional officer who might be on  
25 a walk?

1 A. I didn't slide any note to anybody, no.

2 Q. Now, when, you know, night comes and when  
3 they say, "Okay that's it," that's it. You don't  
4 get out of your cell again until the morning; right?

5 A. Right.

6 Q. So there wouldn't have been anybody out  
7 there who would have seen if you had slid a note or  
8 put a note in your window or anything like that;  
9 correct?

10 A. That's not true.

11 Q. Except a correctional office?

12 A. Yeah, that's not true. The way that the  
13 housing unit is built, in an L shape, the people on  
14 the other side of the unit can see what you hand the  
15 COs or any type of nods you give them or anything  
16 like that.

17 Q. Can you look out the window and get the  
18 attention of a CO when they walk by?

19 A. Yeah.

20 Q. Did you do that that night?

21 A. I didn't. I felt like people were --

22 Q. That's a no?

23 A. That's a no, I did not, because I felt  
24 like people were keeping an eye out for that.

25 Q. Who else did you see standing at their



1 window during that night?

2 A. Well, I mean, only four cells out of the  
3 12 were in my view. So I don't know who was  
4 standing at their window that night.

5 Q. Of the four cells, who was standing at  
6 their window that night?

7 A. I don't know.

8 Q. Mr. Gallegos couldn't see your window,  
9 could he, because he was to your left?

10 A. Maybe on the reflection from the control  
11 center.

12 Q. That would be pretty hard to do, wouldn't  
13 it?

14 A. No, not really. It's dark in there. The  
15 windows worked as mirrors.

16 Q. So they would have been able to look  
17 across at the control center, read a note that's  
18 backwards because it's a reflection, and  
19 determine --

20 A. No, I never said they could read the note.  
21 But they would definitely be able to see that I'm  
22 handing a note to a guard.

23 Q. But you didn't take any steps to try and  
24 advise a guard or inform a guard of what you claim  
25 was going on; right?

1 A. I did not, no.

2 Q. Do you know about the kitchen crew there  
3 from the unit there, the people that go out from the  
4 kitchen crew?

5 A. Yeah.

6 Q. They leave before everybody else; right?

7 A. I think so, yeah.

8 Q. So they may be leaving the unit at 3:00 or  
9 4:00 in the morning, as far as you know?

10 A. Maybe.

11 Q. Did you see them leave that day or that  
12 morning?

13 A. I didn't.

14 Q. And if I understand it right, what you  
15 said happened is after the body was discovered, then  
16 they returned you all to your cells and you were  
17 locked down until sometime later that night; right?

18 A. I don't think they returned all of the  
19 inmates to their cells; only certain ones that were  
20 in different parts of the prison when it was locked  
21 down, maybe. I know some guys got kept out of their  
22 cells, and some got brought back to their cells.

23 Q. So you got brought back to your cell?

24 A. Yes, sir.

25 Q. Where you could have privacy to do

1 whatever you wanted; right? Flush things down the  
2 toilet, wash your hands, and all those kind of  
3 things; right?

4 A. Yes, sir.

5 Q. They didn't keep you in a gym area or take  
6 photographs of your hands or anything else; is that  
7 right?

8 A. Not immediately no.

9 Q. Immediately -- they didn't do it until  
10 night. You said you were in your cell almost the  
11 entire day; fair?

12 A. Yes, sir.

13 Q. Have you, prior to actually walking into  
14 this courtroom, seen the reports that were prepared  
15 as a result of your interview, the first one they  
16 timely disclosed on April 18 or April 20?

17 A. I have not.

18 Q. Now, you also said, I think -- and I wrote  
19 down January of 2006 -- you left the SNM after the  
20 assault involving Mr. Clark; correct?

21 A. I mean, in my own mind, I did. I didn't  
22 formally leave any SNM. I didn't, like, write a  
23 declaration of leaving or anything like that.

24 Q. Would it be fair to say you cut the ties  
25 that bound you to the SNM in your own mind?

1           A.     For the most part, yeah. I mean I still  
2 did have a certain amount of time in prison to  
3 survive, so I still, you know, talked to people and,  
4 you know, acted friendly with people and stuff like  
5 that.

6           Q.     But you didn't provide any heroin to  
7 anyone, did you?

8           A.     No.

9           Q.     Did you use heroin after March 2001?

10          A.     Yes.

11          Q.     And did you continue to take heroin from  
12 other members of the prison population?

13          A.     No.

14          Q.     Well, did you get heroin in prison?

15          A.     I don't think I ever did, no.

16          Q.     So do you remember telling the people that  
17 interviewed you on April 20 that you had used heroin  
18 in prison?

19          A.     I had used heroin in prison, yeah.

20          Q.     And when you said that in your mind you  
21 left the SNM in January -- well, I'm sorry, November  
22 of 2007, when you told us you left the institution,  
23 did you continue to supply anyone with the SNM with  
24 drugs from the outside?

25          A.     No.

1 Q. And did you continue to communicate with  
2 them by letter or phone or any other means after  
3 November of 2007?

4 A. I wrote a couple of letters to a friend I  
5 had named Lorenzo Valdez. I wrote back and forth  
6 with him a handful of letters, and that was it.

7 Q. Was there anything in those letters about  
8 plotting or planning or trying to work with the SNM  
9 while you were on the outside?

10 A. No.

11 Q. Was there anything in the letters asking  
12 him about the progress -- or how do I want to say  
13 it -- whether or not SNM was continuing to flourish  
14 within the prison system? That wasn't what you were  
15 concerned with; right?

16 A. That's not what I was concerned with, no.

17 Q. He was a friend? He was a friend?

18 A. I mean, he was somebody that I had met in  
19 jail and, you know, kind of connected with.

20 Q. Okay. But you would have been a friend  
21 with him, SNM or not; right? You liked him?

22 A. Maybe. I don't know.

23 Q. So then after you left the SNM -- do you  
24 still have a driver's license?

25 A. Yes.

1 Q. And I think you also said you're employed?

2 A. Yes.

3 Q. And you've lived at a particular residence  
4 for a period of time?

5 A. Yes.

6 Q. Has anyone from the SNM contacted you at  
7 all other than the brief conversation, meeting with  
8 Mr. Troup since you got out?

9 A. Other than the brief meeting with  
10 Mr. Troup at the motorcycle shop and my friend  
11 Lorenzo, no.

12 Q. When you met with the agents -- well, two  
13 different times you met with them, one time on the  
14 phone with Agent Acee, did they tell you some of the  
15 evidence that they had against you other than the  
16 statements and/or testimony from Mr. Lujan about  
17 your involvement?

18 A. No.

19 Q. So they didn't -- you told me already they  
20 didn't talk to you about the DNA, but they did tell  
21 you that Lujan pointed his finger at you; correct?

22 A. Yes, sir.

23 Q. And did they tell you that he pointed his  
24 finger at Mr. DeLeon?

25 A. I don't remember if they said that or not.

1 Q. Did they ever tell you how it was that  
2 Mr. Castillo was strangled?

3 A. Did they ever tell me how it was?

4 Q. Yes.

5 A. No.

6 Q. Did they tell you that the drawstring was  
7 the instrument of death?

8 A. No.

9 Q. Did they tell you what was the instrument  
10 of death?

11 A. No.

12 Q. Did they ever tell you that he died from a  
13 heroin overdose?

14 A. No.

15 Q. Did they ever ask you whether or not you  
16 and Angel DeLeon had been in the cell together alone  
17 with Mr. Castillo?

18 A. No.

19 Q. And did they tell you anything about the  
20 findings of the medical examiner's office concerning  
21 time of death for Mr. Castillo?

22 A. No.

23 Q. Did they tell you that Mr. Lujan had made  
24 statements to the effect that you were his first  
25 choice for this assignment?

1 A. No.

2 Q. Did they tell you that Lorenzo Torres told  
3 them they saw you and others coming out of  
4 Castillo's cell?

5 A. No.

6 Q. Did they mention Lorenzo Torres' name at  
7 any time during the multiple interviews that you had  
8 with them?

9 A. I don't believe so. I think they asked me  
10 to identify all the guys that I might have  
11 recognized from the pod that I was living in or  
12 something. And his name may have come up at that  
13 point, but that's it.

14 Q. But would it have been in connection with  
15 the photograph that they showed you while you were  
16 testifying? There is a group photo. Would that  
17 have been --

18 A. No, I don't think so.

19 Q. Did they just ask you who was in the pod  
20 or who --

21 A. I think they asked me who all was in the  
22 pod that I was in.

23 Q. Mr. Castillo shot up the heroin with the  
24 syringe; is that right?

25 A. Yes, sir.



1 Q. Who provided the syringe?

2 A. I don't know.

3 Q. Who took it?

4 A. Who took what?

5 Q. Who left with it?

6 A. I don't know.

7 Q. Do you know if it was even left in the  
8 cell?

9 A. I assumed it was. I don't know, though.

10 Q. Do you remember telling the FBI on April  
11 18 that that night was the first time you had used  
12 heroin? That's your first interview?

13 A. I believe I said that was the first time I  
14 used heroin. I followed up with him by telling them  
15 that was the first time I used heroin in that  
16 setting, in that jail, in that pod, in that  
17 circumstance. It wasn't the first time that I ever  
18 used heroin in my life.

19 Q. And that was, again, a couple days later;  
20 is that right?

21 A. Yes, sir.

22 Q. Did Mr. Gallegos say anything to you about  
23 having burn marks or injuries to his hands?

24 A. No.

25 Q. Did Mr. DeLeon say anything to you about

1 having been scratched or wounded by his contact with  
2 Mr. Castillo?

3 A. No.

4 Q. At any time during that day were you kept  
5 in the gym, the church, or the library with other  
6 inmates?

7 A. No.

8 Q. When you did your April 20 follow-up with  
9 Mr. Beck, was your lawyer present at that time?

10 A. My lawyer was on the phone. My follow-up  
11 was with a different FBI agent, though. It wasn't  
12 with Mr. Beck.

13 MR. SINDEL: Your Honor, may we approach  
14 for a moment?

15 THE COURT: You may.

16 (The following proceedings were held at  
17 the bench.)

18 MR. SINDEL: Your Honor, there is some  
19 issue -- we had a ruling earlier on the 609  
20 concerning the age of the convictions. But this  
21 individual has now testified he was on parole until  
22 2012. So I believe that 609 information concerning  
23 his convictions and his sentences is now fair game.

24 THE COURT: Well, I didn't -- maybe I  
25 missed something, but I thought he gave it to you

1 when he was in --

2 MR. SINDEL: We didn't ask any questions  
3 about why.

4 THE COURT: Well, I don't think that's  
5 important. Do you?

6 MR. SINDEL: What he's convicted of?

7 THE COURT: Yeah.

8 MR. SINDEL: I think it is. I'll do  
9 whatever the Court says.

10 THE COURT: I think that's my ruling.  
11 That's what you're trying to keep out; right?  
12 That's the whole basis of the motion and the ruling  
13 I made, is to keep out the actual conviction. If  
14 he's not -- and like I said, I could have missed it.  
15 But I think he's given you the fact that he was in  
16 the prison at the time that -- you know, when he  
17 went back and forth, even though that's the  
18 conviction that we're keeping out. He's given you  
19 the fact that he was sent back.

20 MR. SINDEL: I think the 609 would allow  
21 us -- if it is applicable, would allow us to go into  
22 the sentence, how much time he served, and what he  
23 was convicted of.

24 THE COURT: But that's what I kept out  
25 with the ruling.

1 MR. SINDEL: But I'm saying I think that  
2 the ruling may -- we didn't know at the time that he  
3 was actively on parole during that timeframe.

4 THE COURT: But I think you can ask those  
5 questions. That's not the Government's problem.

6 MR. BECK: I think he's already testified  
7 that he --

8 THE COURT: I think he has.

9 MR. SINDEL: I want to ask him what he was  
10 convicted of.

11 THE COURT: And you can't do that.

12 MR. SINDEL: Okay. I won't. How's that?

13 THE COURT: Okay. But you can find out  
14 things on parole if it's necessary to tell the  
15 story.

16 MR. BECK: I can inquire. So I think  
17 there is -- in 2011 there is a parole violation.  
18 The way that I've read the law is that if there is a  
19 probation violation substantively similar to the  
20 conviction, and the defendant or person serves an  
21 amount of time, then it can bring it back in under  
22 Rule 609. My understanding is that he was asked by  
23 a police officer -- arrested; he said, "I drank  
24 beer," that was a violation of his parole, and he  
25 may have spent a couple of hours in prison in 2011.

1 I don't --

2 MR. SINDEL: I'm not asking about that.

3 MR. BECK: Okay.

4 MR. SINDEL: We don't know -- I don't  
5 know. He said he got convicted and that's when he  
6 returned for parole the first time. He got released  
7 on parole I think in 2007.

8 THE COURT: You don't have any problem  
9 with him asking these questions; right?

10 MR. SINDEL: I don't know what he got  
11 convicted of when he returned on his parole  
12 violation.

13 MR. BECK: In 2007. I don't have a  
14 problem asking when he was in prison or out of  
15 prison.

16 THE COURT: And I don't think you care  
17 whether it's a problem violation or --

18 MR. BECK: Another charge.

19 MR. SINDEL: He got convicted. He  
20 testified was convicted.

21 MR. BECK: He was convicted of a crime in  
22 2005 or 2002. He was convicted, yeah.

23 MR. BENJAMIN: What I would say is that in  
24 2002, that was his second trip to the pen. He was  
25 originally convicted and I believe it was 1999, Your

1 Honor, and in 2002 he returned on two cases that  
2 were run concurrently together for a sentence, 2002  
3 to 2007, and then, as he testified, he was on parole  
4 until 2012. And the 2002 conviction was -- it's  
5 attempted burglary or burglary with a deadly weapon  
6 and then an aggravated assault, is my understanding.  
7 And those are general -- the general memory of the  
8 crimes. I have them at the table, Your Honor, but  
9 that category.

10 MR. CASTLE: There is also some law that  
11 seems to indicate -- I want to look at it over the  
12 lunch hour -- that if you go back into jail on a  
13 parole violation, that it restarts the clock. There  
14 is also a law that Mr. Beck has indicated that  
15 indicates that it has to be for a similar offense.  
16 Mr. Beck and I have been communicating by email on  
17 this issue, because we're trying to get to the  
18 bottom of it.

19 THE COURT: Okay.

20 MR. CASTLE: I don't think parole --  
21 pretty clear, comments about parole itself is not  
22 considered. But if he violated, that may start the  
23 clock. So I'll try to get that law. What I would  
24 suggest is if we have that law, that if it's done,  
25 then Mr. Beck be allowed on redirect --

1 THE COURT: Okay.

2 MR. BECK: We'll figure it out. He and I  
3 will find it.

4 THE COURT: For the present time I don't  
5 think there is any problem. Tell me if Mr. Beck is  
6 wrong as far as placing him in places. There is  
7 no -- you don't have any restriction on that.

8 MR. SINDEL: Okay.

9 THE COURT: It's just talking about the  
10 conviction right at the moment till I get a clearer  
11 sense of what the facts are.

12 MR. SINDEL: So would it be okay with the  
13 Court to take a break while they do our research,  
14 and then we can come back.

15 THE COURT: Well, I think we're a ways  
16 from that. If you need to go back in on recross,  
17 what we'll do is let Mr. Beck do his redirect, bring  
18 it out, and then let you do recross. I'll give you  
19 a chance to do that.

20 MR. SINDEL: Give me a chance to look at  
21 my notes.

22 (The following proceedings were held in  
23 open court.)

24 THE COURT: All right, Mr. Sindel.

25 MR. SINDEL: Thank you, Your Honor. If

1 you'll give me just a moment. I have a lot of stuff  
2 to review here.

3 THE COURT: Certainly.

4 BY MR. SINDEL:

5 Q. Would it be fair to say that you have  
6 learned a considerable amount about your call for  
7 quote/unquote immunity today?

8 A. I feel like you've explained some more  
9 stuff to me, yeah.

10 Q. Do you think that it's been explained to  
11 you in a way that you now understand it that maybe  
12 you didn't on April 18?

13 A. Are you asking if I understand it a little  
14 bit better? I feel like I understood it okay except  
15 for like the USSG, you know, like the abbreviations  
16 that I don't know what they mean and stuff like  
17 that, you telling me that.

18 Q. But you didn't understand that it didn't  
19 offer you immunity; correct? You thought it did?

20 A. Well, I was told from my lawyer that it  
21 would still leave me open to state prosecution, I  
22 guess.

23 Q. But it's also open to federal prosecution  
24 in other districts, isn't it?

25 A. It looks like it, yeah. I don't know that



1 that's 100% true or not. Like I said, I don't  
2 understand every detail of the law and stuff like  
3 that. I can only go with what you say.

4 MR. SINDEL: That's all I have, Your  
5 Honor.

6 THE COURT: Thank you, Mr. Sindel.

7 Who else has cross-examination of  
8 Mr. Jaramillo? Mr. Cooper?

9 MR. COOPER: May it please the Court.

10 CROSS-EXAMINATION

11 BY MR. COOPER:

12 Q. Good afternoon, Mr. Jaramillo.

13 A. Good afternoon.

14 Q. So you were brought into the SNM in 2000  
15 while you were at Central, and you were brought in  
16 by Leroy Lucero; correct?

17 A. Yes, sir.

18 Q. That's Smurf?

19 A. Yes, sir.

20 Q. He is the same guy that you just testified  
21 to moments ago who was holder of the keys when you  
22 got out of orientation down at Southern?

23 A. Yes, sir.

24 Q. You've characterized him as an old school  
25 gang member. What does that mean? What does "old

1 school" mean to you?

2 A. Just a dude from a generation before me, I  
3 guess is how I would characterize that.

4 Q. Okay. Now, you remember that Leroy was  
5 discharged on Friday, March 23, 2001, right, before  
6 the Monday when Castillo was murdered; correct?

7 A. Date-wise I'm not exactly, but I remember  
8 it was around then, yeah. Close.

9 Q. If I told you that that was the date on  
10 the offender location history that's been admitted  
11 into evidence in this case, that that is when he  
12 actually was discharged, would you believe me?

13 A. Yeah, okay.

14 Q. Okay. And you lived in green pod, 2203 at  
15 the time and Castillo was in 2204? He was your next  
16 door neighbor?

17 A. Yes, sir.

18 Q. Now, you got to the green pod only 26 days  
19 before the murder; correct?

20 A. Yes, sir.

21 Q. And when you got there -- let me back up.  
22 When you got to Southern, you got there on February  
23 15, 2001, just before midnight; correct?

24 A. Okay.

25 Q. And the minute you got there, you went

1 into orientation; right?

2 A. I believe so, yeah.

3 Q. And you stayed in and you were in two  
4 different cells while you were in orientation; do  
5 you remember that?

6 A. I don't.

7 Q. Okay, I'd like to pull up Exhibit 881,  
8 please.

9 Mr. Jaramillo, this is the offender  
10 location history for you. And before we -- before  
11 we zoomed in here, it had your name up at the top.  
12 That's you; right?

13 A. Yes, sir.

14 Q. And you were 51424. That's your PNM  
15 number?

16 A. Yes, sir.

17 Q. So now, let's -- I'd like to direct your  
18 attention to the point where you -- just above that  
19 red line. That's where you get to Southern New  
20 Mexico Correctional Facility on February 15, 2001;  
21 correct?

22 A. Yes, sir.

23 Q. Now, just above that entry it says that  
24 from 2015 --

25 A. 2/15/2001, is that --

1 Q. Yeah, 2/15/2001 until 2/23/2001, you're  
2 housed in SJ 1, G2202; correct?

3 A. It says that.

4 Q. Then that day, on the 23rd of February,  
5 you're moved to SL 2, G1175, where you remained  
6 until March 1, 2001; correct?

7 A. Yes, sir.

8 Q. And both of those housing -- both of those  
9 cells are in the orientation unit; correct?

10 A. I'm guessing so.

11 Q. And because you were in orientation until  
12 you went to G2203 on March 1st; right?

13 A. Yes, sir.

14 Q. So they had to have been orientation  
15 cells; correct?

16 A. I would assume so, yeah.

17 Q. Can you tell -- we've talked a lot about  
18 orientation during this trial, and quite frankly,  
19 I'm not sure that I really understand what happens  
20 when somebody is in orientation. Can you tell me  
21 what happens when you arrive at a new facility, like  
22 at Southern? At that point in time when you got  
23 there and you were put into an orientation cell,  
24 were you in a cell by yourself?

25 A. I think that all the cells at Southern are

1 single-man cells, yes.

2 Q. And when you're in orientation, are you in  
3 that cell 24 hours a day by yourself?

4 A. I think if I remember right, I think  
5 you're able to come out into the pod, but not leave  
6 the housing unit.

7 Q. Okay. And everybody can come out into the  
8 pod?

9 A. I believe so. At different prisons they  
10 do different things, but I think at that one  
11 everybody was able to come out.

12 Q. Isn't the reason for an orientation,  
13 though, to make sure that everybody is good with  
14 being there and good with other people?

15 A. I thought it was to determine placement.

16 Q. To determine placement. And for instance,  
17 if they knew that you had PC'd up in Santa Rosa and  
18 had problems with other people, if they kept you in  
19 your own cell before they let you out, then they  
20 could make that determination and see if there was a  
21 reason to have you kept away from other people;  
22 right?

23 A. Right.

24 Q. So if that's the reason, do you think  
25 everybody goes out into the pod themselves, I mean

1 all together? Do you think that's how it happened  
2 down there?

3 A. Is that how I think orientation works?

4 Q. Yes.

5 A. I believe so. I believe everybody who  
6 comes in new to the jail goes into an orientation  
7 pod, yeah, and that they're allowed to come out into  
8 the day room in the pod, but not leave the pod.

9 Q. Okay. Did you get any rec time when  
10 you're in orientation?

11 A. I'm sure you get an hour a day of rec  
12 usually.

13 Q. Would you be taken out one at a time or  
14 the entire orientation group?

15 A. I feel like it was a pod at a time.

16 Q. And where would you go? Would you go into  
17 cages, or into the regular yard?

18 A. I don't remember where they would take us  
19 in orientation from Southern.

20 Q. So it was 26 days from the time you got  
21 orientation to the time Mr. Castillo was murdered.  
22 During that period of time, Leroy Lucero had the  
23 keys, so he was the highest-ranking SNM member at  
24 that facility; correct?

25 A. I believe so.

1 Q. And Leonard Lujan, I understand, hung out  
2 with all of the heavy hitters?

3 A. Yeah.

4 Q. Yeah, and so during that 26 days, you  
5 probably saw Leonard Lujan hanging out with Leroy  
6 Lucero; right?

7 A. Probably. Maybe. I don't recall.

8 Q. But if you know that Leonard was hanging  
9 out with a heavy hitter --

10 A. I would assume that he was hanging out  
11 with Leroy, yeah.

12 Q. Do you have a specific recollection of how  
13 many times you may have seen him hanging out with  
14 Leroy?

15 A. I don't.

16 Q. Okay. How many times do you recall seeing  
17 Leonard during that period of time, if you remember?

18 A. How many times in the prison during that  
19 26 days?

20 Q. Yeah, during that 26 days only.

21 A. A handful of times.

22 Q. A handful?

23 A. Okay.

24 Q. And you probably saw Leroy a handful of  
25 times, as well?

1 A. Right.

2 Q. You knew when you were out in that 26-day  
3 period, you knew that SNM had a hit list that had  
4 been circulating for some time, didn't you?

5 A. I felt like they had several hit lists  
6 that had been circulating for some time, yeah.

7 Q. Okay. Now, during the cross-examination  
8 by Mr. Sindel, who just sat down, he asked you the  
9 question: Did you ever have a conversation with  
10 Billy Garcia before going into Castillo's cell? And  
11 you hesitated for a moment and then you said, "I  
12 don't believe so." You absolutely didn't, did you?

13 A. I don't think I did. I don't think that  
14 I've ever had a conversation with Billy Garcia to  
15 this day.

16 Q. There was some hesitation, and you say you  
17 don't think. If I showed you a document that  
18 would -- concerning the interview that you gave to  
19 Mr. Beck, Special Agent Sainato, and your lawyer,  
20 who happened to be present, the interview occurred  
21 on April 18, probably, is that 26 days ago, would  
22 that refresh your recollection as to whether or not  
23 you did?

24 A. Maybe. I mean --

25 Q. And I would direct you to page 71097,



1 about in the middle of the page. If you'd review  
2 that and let me know when you're done.

3 So having reviewed the report that was  
4 generated after your interview with Agent Beck --  
5 not Agent Beck. Mr. Beck, Agent Sainato, and your  
6 lawyer on April 18, you know that just 26 days ago  
7 you told them that you never introduced yourself or  
8 spoke to Billy Garcia; correct?

9 A. Right.

10 Q. So really, there was no need to hesitate  
11 as to whether or not you had a conversation with  
12 Billy; right?

13 A. Right.

14 Q. Okay. I mean, I don't want to put words  
15 in your mouth, but you never talked to Billy, Billy  
16 Garcia; right?

17 A. Right. When are you talking about?  
18 Before the time that I had --

19 Q. Yeah. Well, in fact, ever.

20 A. I feel like I had seen him at PNM North  
21 unit years later, you know, nodding my head across  
22 the prison, or whatever, but that's it.

23 Q. Okay.

24 A. But prior to the time of the murders, I  
25 had never even met him, no.

1 Q. And there is nowhere in here where you  
2 ever talked to Billy or even mention that you saw  
3 him across the way and nodded your head?

4 A. Right.

5 Q. So you don't know Billy, and Billy doesn't  
6 know you; right?

7 A. Right.

8 Q. Just because Leonard Lujan tells you that  
9 the order comes from a particular person or a  
10 particular place doesn't mean that it really did;  
11 right?

12 A. Right.

13 Q. Leonard Lujan could be covering for the  
14 person who actually gave him the order; right?

15 A. He.

16 Q. And he could be lying to you?

17 A. Yeah.

18 Q. He could be trying to convince you to do  
19 something perhaps you don't want to do by inserting  
20 somebody else into the equation; correct?

21 A. Could have.

22 Q. Now, one of the rules in this particular  
23 gang is that if you bring somebody into the S and  
24 they mess up, then you've got to clean up the mess;  
25 right?

1 A. I've heard that rumor before, yeah.

2 Q. So if, by chance, you were to have messed  
3 up somehow, and you started snitching, you became an  
4 informant, you were giving information to the COs  
5 and stuff, it would have been incumbent upon who to  
6 deal with it?

7 A. Based on the rules, I think it would have  
8 been incumbent on the person who brought me into the  
9 SNM. That being said, if that person wasn't around,  
10 I think it becomes incumbent on anybody who is.

11 Q. And if that person is around -- and in  
12 your particular case, that would have been Smurf;  
13 right?

14 A. Yes.

15 Q. Leroy Lucero?

16 A. Yes, sir.

17 Q. You know that Leroy Lucero brought in  
18 Rolando Garza, don't you?

19 A. I didn't know that.

20 Q. So if he did bring in Rolando Garza, it's  
21 incumbent on him to deal with it; right?

22 A. If he had messed up, I suppose so.

23 Q. Or if people high above -- if Angel Munoz  
24 out on the streets says, "You know what? We need to  
25 deal with Rolando Garza," and Leroy Lucero is in the

1 facility, he gets that order, he's got to deal with  
2 it; right?

3 A. Yes, sir.

4 Q. And when Leroy Lucero gets a confirmation,  
5 for instance, from Angel, that somebody has got to  
6 get hit, he needs to go forward with that and make  
7 sure those people get hit; right?

8 A. Yes, sir.

9 Q. Especially if he's holding the keys to the  
10 yard; right?

11 A. Yes, sir.

12 Q. Now, you participated in the murder of  
13 Mr. Castillo in 2001. In 2004 you and Leroy Lucero  
14 were both housed at Southern for a period of time.  
15 Did you and Leroy talk about the fact that you had  
16 participated in the murder of Mr. Castillo?

17 A. No, we didn't.

18 Q. Then in 2006, I think for a period of 77  
19 days, the two of you were housed at the South. Did  
20 you and Leroy talk about the fact that you  
21 participated in the hit on Mr. Castillo?

22 A. No, we didn't.

23 Q. You talked to him during that period of  
24 time, though, didn't you?

25 A. Maybe. I don't recall if I did or not. I

1 mean, if we were in the same prison, in the same  
2 area, I would assume I would talk to him, yeah.

3 Q. I mean, you have some respect for him and  
4 he brought you in, you're one of his guys, so if you  
5 saw him, you'd talk to him; right?

6 A. Yeah.

7 Q. And likewise for the period of time in  
8 2004?

9 A. Right.

10 MR. COOPER: May I have a moment, Your  
11 Honor?

12 THE COURT: You may.

13 MR. COOPER: Thank you, Judge. I pass the  
14 witness.

15 THE COURT: Thank you, Mr. Cooper.

16 Let me see if Mr. Lahann was standing up  
17 first.

18 MR. SOLIS: I have three questions. Go  
19 ahead.

20 MR. LAHANN: Go ahead, Mr. Solis.

21 THE COURT: Go ahead Mr. Solis.

22 CROSS-EXAMINATION

23 BY MR. SOLIS:

24 Q. Mr. Jaramillo?

25 A. Yes, sir.

1 Q. What's up?

2 A. How are you doing?

3 Q. That's pretty much how you know

4 Christopher Chavez? What's up?

5 A. I would say yeah.

6 Q. That's it?

7 A. Yeah.

8 Q. So his name has been bandied about, but  
9 you're clear he's not a participant in anything you  
10 described today?

11 A. Anything I've described, no.

12 Q. Right. Then if I could have the exhibit  
13 with the photo -- I forget the exhibit number. With  
14 the group photo. 591. Who is that right there?

15 A. I can see underneath his picture Ray  
16 Molina. I don't remember the nickname.

17 Q. Louder, please.

18 A. I can see under the picture his name is  
19 Ray Molina.

20 Q. Ray Molina. Thank you.

21 THE COURT: Thank you, Mr. Solis.

22 Mr. Lahann.

23 CROSS-EXAMINATION

24 BY MR. LAHANN:

25 Q. You've never once had a conversation with

1 Allen Patterson in your life, have you?

2 A. Not a conversation, no.

3 Q. As a matter of fact, you couldn't even  
4 identify him here in the courtroom today, and you  
5 said, "I don't know who it is. I think I might be  
6 able to pick him out"; is that correct?

7 A. That's correct.

8 Q. That's because he's one of the two white  
9 guys in the group, and you've already eliminated  
10 Troup, because you've identified him. So it's  
11 pretty easy to pick out Mr. Patterson, even if you  
12 didn't remember him at all.

13 A. Okay.

14 Q. Exhibit 591. Again, you're there, you've  
15 only been in town three weeks, and you're in the big  
16 group picture; right?

17 A. Right.

18 Q. And that includes people from all  
19 different pods; right?

20 A. Yes, sir.

21 Q. And Mr. Patterson is not in that picture,  
22 is he?

23 A. I don't think so, no.

24 Q. Do you not think so, or is that a no?

25 A. He's not in the picture.

1 Q. And we talked about Ray Molina. You knew  
2 him as Boxer; right?

3 A. Boxer, yeah.

4 Q. Because he's a tough guy; he was a boxer;  
5 right?

6 A. I don't know.

7 Q. But he was a tough guy?

8 A. I'm guessing. I mean, like, I don't know  
9 him too well. I just met him.

10 Q. One of the toughest guys in the picture  
11 except for Mr. Garza; right?

12 A. They're all pretty tough guys, yes.

13 MR. LAHANN: No further questions.

14 THE COURT: Thank you, Mr. Lahann.

15 Mr. Blackburn, Ms. Torracco? Anybody have  
16 any further questions?

17 All right, Mr. Beck. Do you have  
18 redirect?

19 MR. BECK: Thank you, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. BECK:

22 Q. Mr. Jaramillo, I'm going to start kind of  
23 near the end here. Mr. Cooper, Mr. Garcia's  
24 attorney, asked you about whether you assumed Leroy  
25 Lucero and Leonard Lujan hung out. Did you ever see



1     them hang out together?

2             A.     I feel like I have. I mean, I can't say  
3     with 100% surety, but I feel like I have seen them  
4     talking and whatnot.

5             Q.     Do you know what period of time that was?

6             A.     It would have to be in that three weeks  
7     that I was there.

8             Q.     And at the time that you moved in, was  
9     Looney, Rolando Garza, already at Southern?

10            A.     He was, yeah.

11            Q.     Was Leroy Lucero already at Southern?

12            A.     Yeah, I think so.

13            Q.     And who did Leonard Lujan tell you ordered  
14     the murder of Castillo?

15            A.     He told me that Billy Garcia did.

16            Q.     Did you believe him?

17            A.     Yeah.

18            Q.     Why?

19            A.     I just didn't think that somebody would go  
20     around saying that if it wasn't true; it would open  
21     you up for violence to yourself. So I just believed  
22     it when he said it.

23            Q.     Did what you knew of Billy Garcia play  
24     into why you believed it?

25            A.     I mean, like I said, I only knew him by

1 reputation, but, yeah, by what I knew, it seemed,  
2 like, definitely possible.

3 Q. You talked with I think it was Mr. Sindel  
4 about standing count procedures. Do you remember  
5 that?

6 A. Yes, sir.

7 Q. Did the procedures of count change in the  
8 Corrections Department after the Castillo and Garza  
9 murders?

10 A. They changed in that facility for sure, at  
11 least for a period of time.

12 Q. How did they change?

13 A. They wanted everybody to start doing that  
14 standing-up count that he was talking about, and  
15 that became a rule at that point.

16 Q. Before that time of the Castillo and Garza  
17 murder, at night, if corrections officers were doing  
18 their count, would they come in and bang on the  
19 doors and food ports and yell at you to make sure  
20 you were alive in your cell?

21 A. Before the incident, I don't think they  
22 ever woke anybody up to check on them. They were  
23 just looking there with the flashlight and make sure  
24 they were in there.

25 Q. Did that change afterwards?

1           A.     Afterwards, they started enforcing the  
2 standing count for a short period.

3           Q.     You talked with Mr. Sindel about being at  
4 a motorcycle shop with Troup. What was that about?

5           A.     It was just a chance encounter. I was  
6 just there picking up motorcycle parts, and I ran  
7 into him and another guy I knew as Daffy there.  
8 They asked if I wanted to go out for a motorcycle  
9 ride. I just said no, and took off.

10          Q.     He also asked you whether Angel DeLeon  
11 said anything about injuring his hands. Do you  
12 remember that?

13          A.     I do.

14          Q.     Did you talk with Angel DeLeon about the  
15 Castillo murder afterwards?

16          A.     I didn't.

17          Q.     Lorenzo Torres -- he asked you about  
18 seeing him on the table or out in the pod. Do you  
19 remember that?

20          A.     I do remember him asking that, yeah.

21          Q.     From the time that you went into the cell  
22 with Angel DeLeon and Joe Gallegos until after you  
23 tied the knot and came out of the cell, did you look  
24 out of the cell into the tier and see who was out  
25 there?

1 A. I did not.

2 Q. Then you were asked a lot about discovery  
3 and the indictment in this case. Do you remember  
4 that?

5 A. I do.

6 Q. And you said that you thought that you had  
7 been left the indictment by agents. Do you remember  
8 that?

9 A. Yes, sir.

10 Q. You recalled seeing some document with the  
11 name on the top and a number; right?

12 A. Correct.

13 Q. If I showed you two documents -- well, let  
14 me ask, were you provided two documents or one?

15 A. I believe it was two pages on one  
16 document.

17 Q. If I showed you the second superseding  
18 indictment in this case and your subpoena, would you  
19 be able to check out which one of those two you were  
20 talking about?

21 A. I would. I just don't know the difference  
22 between an indictment and a subpoena. I felt it was  
23 the same thing when he asked me. I don't know the  
24 difference, but I'll definitely be able to show you  
25 which one I received.

1 MR. BECK: May I approach, Your Honor?

2 THE COURT: You may.

3 BY MR. BECK:

4 Q. So Mr. Jaramillo, in my left hand I'm  
5 handing you the indictment. In my right hand is a  
6 copy of the subpoena. Which of these two documents  
7 were you talking about?

8 A. The subpoena.

9 Q. So before today, had you ever seen the  
10 indictment?

11 A. I don't think I've still seen it except  
12 for what you just showed me.

13 Q. Okay. Fair enough. And I want to talk to  
14 you about -- you were asked if you knew who had been  
15 accused in the Castillo murder. Do you remember  
16 that line of questioning?

17 A. If I had known who was accused?

18 Q. In the Castillo murder, whom the  
19 Government had said did it. Do you remember that  
20 line of questioning?

21 A. Yes.

22 Q. Did Angel DeLeon participate in the  
23 murder?

24 A. Yes.

25 Q. How did he participate?

1 A. He helped to hold down Frank Castillo.

2 Q. Did Joe Lawrence Gallegos participate in  
3 the murder?

4 A. Yes.

5 Q. How did he participate?

6 A. He also helped hold down Francisco.

7 Q. Did Edward Troup participate in the  
8 murder?

9 A. He did.

10 Q. How did he participate?

11 A. Kept lookout.

12 Q. Did Leonard Lujan participate in the  
13 murder?

14 A. By giving us the orders. I mean, it seems  
15 like he did.

16 Q. And did Billy Garcia, Wild Bill,  
17 participate in the murder?

18 A. If he gave the order to it -- I mean, he  
19 wasn't there physically, but he gave the order for  
20 it.

21 Q. So in your opinion, did he participate?

22 A. In my opinion, he did.

23 Q. Is there anyone else besides -- well, let  
24 me ask, were you ever charged in this case?

25 A. I was not.

1 Q. So is there anyone else besides those  
2 names that I just listed to you and yourself who  
3 participated who I just asked you about?

4 A. No.

5 Q. What happened with the Tomas Clark assault  
6 at Southern?

7 A. So we were on like a split pod rotation  
8 type of deal and went on tier time. We'd come out  
9 for what's called tier time, half an hour or an  
10 hour, where you're able to come out, take a shower,  
11 or make a phone call, whatever you need to do in the  
12 day room. And I was out for my time and I was on  
13 the telephone. When my time ended -- I'd only got  
14 to get on the telephone two minutes before my time  
15 ended, so I was like slow coming off of it.

16 So I was on the bottom tier. All the guys  
17 from the bottom tiers went into their cells except  
18 for me. And then I was saying goodbye on the phone,  
19 and I was going to go in my cell when the CO let the  
20 guys in the top tier out. When I seen Tomas come  
21 down to the bottom tier shower and go over in that  
22 corner, I kind of suspected that something was up,  
23 because there is a shower upstairs, you know, for  
24 those guys, or whatever. So when I walked  
25 downstairs, he just popped out of that area in a

1 manner that I felt was aggressive. So we just  
2 started a scuffle -- we started fighting.

3 And I didn't know what I had done to make  
4 him mad or anything like that. I kind of assumed  
5 that it was maybe because I was taking too long on  
6 the phone. I didn't really know.

7 Q. Is it fair to say, did you anticipate  
8 something happening when you saw him?

9 A. Yeah, definitely.

10 Q. Let me ask you, had you heard any rumors  
11 that there was paperwork on you within the SNM?

12 A. I had heard.

13 MR. SINDEL: Objection, hearsay.

14 A. I had heard rumors.

15 THE COURT: Well, it's not being offered  
16 for the truth. I'll tell the jury that they can't  
17 consider this for the truth. They can only consider  
18 it for its impact on Mr. Jaramillo's state of mind,  
19 and for no other purpose. That's the only purpose  
20 you can consider it for.

21 Mr. Beck.

22 BY MR. BECK:

23 Q. So before this time, before the assault by  
24 Tomas Clark, had you heard rumors within the SNM  
25 that there was paperwork on you?



1           A.     I did.

2           THE COURT: Mr. Beck, would this be a good  
3 time for us to take our lunch break?

4           MR. BECK: I think I've got two or three  
5 questions, but I think it probably would.

6           THE COURT: Let's go ahead and take our  
7 lunch break. We'll be in recess for about an hour,  
8 all rise..

9           (The jury left the courtroom.)

10          THE COURT: Mr. Sindel, I think that's  
11 your Kastigar letter up here. It's not an exhibit,  
12 so if you're looking for it --

13          MR. SINDEL: No, I'm not, but I'll come  
14 get it. I'm glad you pointed that out.

15          THE COURT: All right. Have a good lunch.  
16 See you in about an hour.

17          (The Court stood in recess.)

18          THE COURT: All right. I think we've got  
19 defendants back in the courtroom. We've got  
20 attorneys for each defendant. Is there anything we  
21 need to discuss before we bring the jury in?

22          MR. BENJAMIN: There is, Your Honor.

23          THE COURT: Were you moving first?

24          MR. BECK: I was not. I was going back  
25 because you told me to get out of the way, so I

1 broke my promise.

2 MR. BENJAMIN: I said I wanted to add  
3 something before you got all riled up.

4 Your Honor, I needed to approach. I was  
5 going to request the Court for a writ of habeas  
6 corpus ad testificandum. I tried to issue a  
7 subpoena this morning for Brandy Rodriguez, who the  
8 Court will recognize. And I notified Mr. Walz of  
9 that, and then the marshals were so kind to tell me  
10 I didn't know what I was doing and I needed to have  
11 a writ to get Ms. Rodriguez out of Dona Ana. So I  
12 had a writ prepared, Your Honor. May I approach?

13 THE COURT: Any objection? Issues by  
14 anybody?

15 MR. BECK: No, Your Honor. Thank you.

16 THE COURT: Go ahead, Mr. Benjamin. Is  
17 that it, Mr. Benjamin?

18 MR. BENJAMIN: That is it, Your Honor.

19 THE COURT: All right. Do you have  
20 something, Mr. Castle?

21 MR. CASTLE: Just quickly on the 609  
22 issue, I was right on the law, but unfortunately,  
23 Mr. Beck was right on the facts, which means it  
24 doesn't come in, at least under your rationale, Your  
25 Honor.

1 THE COURT: And I'll just say that I have  
2 some trouble with the law. The Ninth Circuit has  
3 two cases on it, and the one that's closest to us  
4 doesn't let the underlying conviction come in. So  
5 if forced -- I don't know if this issue will come up  
6 again -- right at the moment I'm inclined to think  
7 that it doesn't revive the underlying conviction; it  
8 simply is a new violation. But that's not even  
9 going to satisfy 609. That's just a violation of  
10 parole or probation or supervised release is not  
11 going to come in. But in any case --

12 MR. BECK: I think you're right.

13 THE COURT: -- I was concluding that it's  
14 not going to come in, but y'all seem to have gotten  
15 there maybe by a different route. Do you like my  
16 legal analysis?

17 MR. BECK: I do.

18 THE COURT: All right.

19 MR. BURKE: Your Honor, may I just mention  
20 one thing?

21 THE COURT: You may.

22 MR. BURKE: And it won't delay the jury.  
23 But you heard the back-and-forth about the various  
24 contacts with the FBI with Mr. Jaramillo. And we  
25 were wondering where the reports are. Well, we did

1 get the timeline prepared by Agent Acee, and it  
2 has -- well, it has 246 items, concluding with  
3 Special Agent Acee constructed this timeline. But  
4 what is so disturbing about the timeline is that it  
5 was constructed on April 19, almost a month ago.  
6 And the timeline itself points to various 302s and  
7 reports that should have been produced. I know we  
8 don't have time to take this up.

9 THE COURT: Do you have them all now?

10 MR. BURKE: No, we have the summary, but  
11 no 302s relating to any of the 26 items -- excuse  
12 me, that is a cover 302 for item 26. Acee  
13 constructed this timeline on April 19, 2018, a month  
14 ago.

15 THE COURT: So you're in agreement with  
16 that, Mr. Beck?

17 MR. BECK: Yes, Your Honor.

18 THE COURT: That the 302s haven't been  
19 produced?

20 MR. BECK: Right. Yes, the 302s do not  
21 exist. That's why I was surprised, and provided the  
22 timeline when I did. The 302s -- there aren't any,  
23 and that's why we're looking for the agent notes  
24 when they did --

25 THE COURT: So there is debriefing, but

1 there's no 302s?

2 MR. BECK: It's not a debrief. That's why  
3 it's not 302.

4 THE COURT: So if anything exists, it's  
5 going to be notes, and you haven't located them yet?

6 MR. BECK: Right.

7 MR. BURKE: Your Honor, may I approach and  
8 give you this?

9 THE COURT: Sure. Why don't you give it  
10 to Ms. Bevel, and we'll mark this as clerk's Exhibit  
11 15. Is that all right, Mr. Beck? We'll mark that  
12 timeline as 15.

13 MR. BECK: Yes, I heard, Your Honor.

14 MR. BURKE: There is a cover 302.

15 THE COURT: Do you want to put it on  
16 there?

17 MR. BURKE: So that would be more  
18 complete.

19 THE COURT: Do you want to staple or paper  
20 clip.

21 MR. BURKE: It's stapled and I'll take  
22 mine back and put that there. Thank you.

23 THE COURT: All rise.

24 (The jury entered the courtroom.)

25 THE COURT: All right. Everyone be

1 seated.

2 All right, Mr. Jaramillo. I'll remind you  
3 that you're still under oath.

4 BY MR. BECK:

5 Q. Mr. Jaramillo, I showed you the indictment  
6 earlier that we went through. Was looking at the  
7 front page of that document -- was that the first  
8 time you'd ever seen the indictment at all?

9 A. Yes, sir.

10 Q. Were you provided a tablet in this case?

11 A. No, sir.

12 Q. Have you seen any of the discovery in this  
13 case other than the indictment and the reports that  
14 were shown to you today?

15 A. No, sir.

16 MR. BECK: May I have a moment, Your  
17 Honor?

18 THE COURT: You may.

19 MR. BECK: Your Honor, the United States  
20 moves to admit Mr. Jaramillo's Kastigar letter.

21 THE COURT: All right. Any objection?

22 MR. SINDEL: No, Your Honor.

23 THE COURT: Not hearing or seeing any  
24 objection, Government's Exhibit --

25 MR. BECK: 1004.

1 THE COURT: -- 1004 will be admitted into  
2 evidence.

3 (Government Exhibit 1004 admitted.)

4 MR. BECK: May I have a minute, Your  
5 Honor?

6 THE COURT: You may.

7 MR. BECK: Nothing further, Your Honor.  
8 Thank you.

9 THE COURT: All right. Did you have  
10 something further, Mr. Cooper?

11 MR. COOPER: A couple of questions, if I  
12 may, Judge.

13 THE COURT: You may.

14 RECROSS-EXAMINATION

15 BY MR. COOPER:

16 Q. Mr. Jaramillo, you don't know that Billy  
17 Garcia gave that order, do you?

18 A. I don't know for a fact, no.

19 Q. So you can't be sure that he gave that  
20 order?

21 A. Only based off of what Leonard Lujan told  
22 me.

23 Q. But you don't know that he gave it and you  
24 can't be sure that he gave it, can you?

25 A. He didn't give it to me specifically.

1 MR. COOPER: Thank you.

2 THE COURT: Thank you, Mr. Cooper.

3 MR. COOPER: Thank you, Judge.

4 THE COURT: All right. Anything further,  
5 Mr. Beck?

6 MR. BECK: No, Your Honor. He can be  
7 excused.

8 THE COURT: Mr. Jaramillo, you may step  
9 down.

10 MR. SINDEL: Your Honor, we would ask that  
11 he be subject to recall because of some of the  
12 recent developments.

13 THE COURT: So you'll be subject to  
14 recall, so you'll have to stay outside of the  
15 courtroom, but you can leave the courthouse.

16 MS. HARBOUR-VALDEZ: Would you also  
17 instruct him about to whom he can speak during this  
18 time?

19 THE COURT: All right. Y'all may need to  
20 refresh my memory as to what the agreement is as to  
21 this.

22 MR. BECK: I think the agreement -- I  
23 mean, I think probably the instruction is: He's not  
24 supposed to talk about his testimony with any other  
25 fact witness in the case.



1 THE COURT: All right. So just the  
2 regular rule?

3 MR. SINDEL: Yes, Your Honor.

4 THE COURT: So you're still subject to the  
5 rule, so you cannot talk about your testimony with  
6 any of the other witnesses. You can talk to the  
7 counsel about your testimony.

8 THE WITNESS: Yes, sir. And did you say  
9 it was okay for me to leave at this time?

10 MR. COOPER: Your Honor, may we approach?

11 THE COURT: You can leave the courthouse,  
12 and you will have to stay outside of the courtroom.  
13 But you can leave the courthouse, but you are  
14 subject to recall.

15 THE WITNESS: You'd call me for another  
16 day or something?

17 THE COURT: For another day.

18 MR. COOPER: Before he leaves, may we  
19 approach?

20 THE COURT: You may. Why don't you stay  
21 there, Mr. Jaramillo?

22 (The following proceedings were held at  
23 the bench.)

24 MR. COOPER: Given what has happened with  
25 the 302s and the notes we're waiting on, I think

1 this is more akin to being a delay in our right to  
2 continue to cross-examine him. So I would ask that  
3 he not talk to the lawyers and the parties also. I  
4 don't really want him talking to the agents or the  
5 Government going forward until we get those reports,  
6 because we're likely going to call him back.

7 MR. BECK: I don't know there is a basis  
8 for that. I mean, I don't have a problem in not  
9 talking to him until he's called back, but I have  
10 been conversing with his attorney about making sure  
11 he appears and once in a while have to contact him.

12 THE COURT: Can we have an agreement the  
13 Government is free to talk to his attorney, but the  
14 Government agents and the Government attorneys will  
15 not talk to him directly? Is that agreeable?

16 MR. COOPER: Sure.

17 MR. BECK: That's fine. And I may talk  
18 with him if I need to coordinate. But I won't talk  
19 substantively.

20 THE COURT: Is that okay?

21 MR. COOPER: That's fine. Thank you.

22 (The following proceedings were held in  
23 open court.)

24 THE COURT: All right, Mr. Jaramillo. You  
25 will not be able to talk to any of the lawyers or

1 the agents for the Government. If Mr. Beck needs to  
2 coordinate something with you, he may coordinate it  
3 through your attorney or he may only talk to you  
4 about scheduling, such as getting you back here.  
5 But he's not to talk about the substance of your  
6 testimony. Okay?

7 THE WITNESS: Yes, sir.

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2 STATE OF NEW MEXICO

3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 22nd day of May, 2018.

13

14

15 \_\_\_\_\_  
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